

ACT 7

H.B. NO. 2-S

A Bill for an Act Relating to Criminal History Record Information.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to authorize the Hawaii criminal justice data center (HCJDC) and other state and county criminal justice agencies acting on HCJDC's behalf to charge fees for services related to criminal history record information, as has been done in thirty-nine other states, nationwide. The demand for such information has escalated in recent years. Requests for services from the criminal history record check program have increased from fewer than ten thousand in fiscal year 1986–1987 to nearly fifty-three thousand five hundred in fiscal year 1993–1994 alone. This increased reliance on and dissemination of criminal history record information has highlighted the importance of having accurate, timely, and complete information.

SECTION 2. Chapter 846, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§846- Criminal history record improvement revolving fund; established. There is established a criminal history record improvement revolving fund. All proceeds accumulated by the Hawaii criminal justice data center or any state or county criminal justice agency through the assessment of fees for services as provided in section 846-10.5 related to criminal history record information from the state system shall be deposited into this revolving fund. Moneys in the revolving fund shall be expended by the Hawaii criminal justice data center and used to improve the criminal history record information system established under this chapter.”

SECTION 3. Section 846-10.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§846-10.5]] Fees. (a) Except for services provided to criminal justice agencies and state or county agencies, the Hawaii criminal justice data center [may] and state and county criminal justice agencies shall assess [a reasonable fee for each service provided, including but not limited to, conducting criminal history record checks, processing applications for the expungement of arrest records, and accessing state criminal justice information.] the following fees for services provided or to be provided, which shall be deposited into the criminal history record improvement revolving fund:

- (1) For each Hawaii criminal history record name check, conducted by the data center, and other state and county agencies, \$10;**
- (2) For each Hawaii criminal history record name check, via a public access terminal, for which a printout is requested, \$5 per printout;**
- (3) For each fingerprint-based search of the Hawaii automated fingerprint identification system or manual fingerprint files, \$15;**
- (4) For processing of each application for the expungement of arrest records, \$15;**
- (5) For certification of documents, \$5 per document;**
- (6) For each duplicate expungement certificate requested, \$10; and**
- (7) For each complete set of fingerprints taken, \$10.**

(b) Criminal history record checks mandated for child care facilities shall be exempt from the requirement to pay fees.

(c) Non-profit charitable organizations that are tax-exempt under the Internal Revenue Code (IRC) section 501(c)(3) will be exempt from fees for criminal history record checks conducted on adult volunteers having direct contact with minors.

(d) Any other law to the contrary notwithstanding, the data center may adopt rules pursuant to chapter 91 to establish other exemptions from the requirement to pay fees.’’

SECTION 4. There is appropriated out of the criminal history record improvement revolving fund the sum of \$200,000, or so much thereof as may be necessary for fiscal year 1995–96, to improve the criminal history record information system established under Hawaii Revised Statutes chapter 846. The sum appropriated shall be expended by the Hawaii criminal justice data center.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 6. This Act shall take effect on July 1, 1995.

(Approved June 29, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.