

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 legislature finds that the Hawai'i Law Enforcement Standards Board, established under chapter 139, Hawai'i Revised Statutes, is responsible for the certification, regulation, and oversight of law enforcement officers statewide. The legislature further finds that effective certification and oversight require access to accurate and complete criminal history record information for purposes of applicant screening, law enforcement certification eligibility review, continuing compliance determinations, and misconduct investigations. The purpose of this Act is to authorize the Hawai'i Law Enforcement Standards Board to obtain criminal history record information pursuant to chapter 846, Hawai'i Revised Statutes.

SECTION 2. Section 846-2.7, Hawai'i Revised Statutes, is amended to read as follows:

§846-2.7 Criminal history record checks; authorized uses.

(a) [no change]

(b) Criminal history record checks may be conducted by:

(1) through (52) [no change]

(53) The Hawai'i law enforcement standards board on applicants for certification, certified law enforcement officers, complainants, witnesses, and other persons reasonably necessary to conduct investigations under chapter 139, for the purpose of determining eligibility for certification, evaluating compliance with continued certification requirements, investigating misconduct related to certification status, conducting audits and compliance reviews, and carrying out its duties related to certification and decertification under chapter 139; provided that access to and use of criminal history record information, including fingerprint-based national criminal history record checks and participation in the rap back program, shall be subject to all applicable federal laws, regulations, and policies, including Federal Bureau of Investigation Criminal Justice Information Services Division requirements; provided further that nothing in this paragraph shall be construed to limit, impair, or affect the authority of the Hawai'i law enforcement standards board or its investigative personnel to access criminal history record information directly, whether as a criminal justice agency or otherwise authorized entity, to the extent permitted by state or federal law.

(c) [no change]

(d) [no change]

(e) [no change]

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

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