

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY

Rep. Chris Lee, Chair

Rep. Joy SanBuenaventura, Vice Chair

Friday, February 1, 2019

2:00 pm

Room 325

CONCERNS about HB 947 - HAWAII CRIMINAL JUSTICE DATA CENTER FEES

Aloha Chair Lee, Vice Chair SanBuenaventura and Members of the Committee!

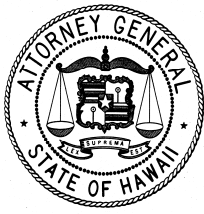
My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,400 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 947 provides authority for the Hawaii Criminal Justice Data Center to set and collect fees for services provided.

Community Alliance on Prisons has concerns about "the broad authority to collect fees for services provided". The fees could create a barrier to justice for those seeking expungements of their criminal records. I'm glad there will be a chance for the public to comment during the administrative rules process.

Mahalo for this opportunity to testify.

HB 947 Late



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2019**

LATE

ON THE FOLLOWING MEASURE:

H.B. NO. 947, RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, February 1, 2019

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Clare E. Connors, Attorney General, or
Philip D. Higdon, Asst. Administrator, HCJDC

Chair Lee and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to allow the Hawaii Criminal Justice Data Center (HCJDC) to establish reasonable fees for all services through the administrative rules process. Currently, section 846-10.5(d), Hawaii Revised Statutes, allows HCJDC to “adopt rules pursuant to chapter 91 to establish reasonable fees for services provided by the data center and to establish other exemptions from the requirement to pay fees.” HCJDC had used the administrative rules process in the past to update the fees listed in section 846-10.5 (a), which were set by the Legislature in 2006.

However, the authority to adopt rules to establish reasonable fees could not be applied to six services listed in section 846-10.5(a). Those fees listed in the statute could only be changed by the Legislature, since they were established by statute.

The requested amendment is intended to establish a single process for the setting of reasonable fees for all service provided by HCJDC. The administrative rules process will enable HCJDC to adjust fees based on service demand, budget needs, and cost of resources required to provide the services to the public without having to wait for the legislative process to start and end each year. The administrative rules process ensures that public and private entities relying on the HCJDC services have the opportunity to provide comments and feedback any time a change to the fee schedule is

proposed, and requires such change be approved by the Governor before the rule can be officially implemented.

The Department of the Attorney General respectfully requests the passage of this bill.