



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

ON THE FOLLOWING MEASURE:

H.B. NO. 947, H.D. 1, RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER FEES.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Wednesday, February 5, 2020 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Clare E. Connors, Attorney General, or
Christopher D.W. Young, Administrator, Hawaii Criminal Justice
Data Center

Chair Luke 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 and necessary fees for all services HCJDC provides through the administrative rules process. By Act 7, Special Session Laws of Hawaii (SLH) 1995, the Legislature amended section 846-10.5(a), Hawaii Revised Statutes (HRS) by establishing fees for certain services listed in section 846-10.5(a)(1-7). The Legislature subsequently updated some of the fees in 1998 pursuant to Act 132, SLH 2006, and amended section 846-10.5(d) by adding the authority to adopt by rules “reasonable fees for services provided by the data center.”

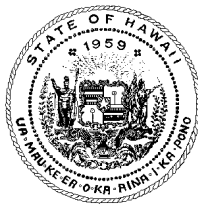
The proposed amendment to section 846-10.5(d), HRS, is intended to clarify that HCJDC has the authority to adopt administrative rules to establish reasonable fees for all services it provides. By squarely placing the authority to establish reasonable fees with HCJDC, the proposed amendment will enable HCJDC to directly engage with and solicit public comments from interested individuals, entities, and law enforcement agencies who routinely utilize its services by way of the rule making procedure set forth in chapter 91, HRS, and adjust fees after considering the comments received, service demand, types of service provided, and cost of providing such services. In addition, the proposed amendments will eliminate any confusion regarding the applicable fee for the

various services HCJDC provides by consolidating all fees into the fee schedule in HCJDC's administrative rules. This is especially helpful where new services and/or systems are implemented as technologies continue to advance or current fees require adjustments.

H.D. 1 of House Bill No. 947 at page 2, lines 6-7, added a requirement that the fees be "reasonable and not constitute a barrier to justice." Although the HCJDC agrees the fees must be reasonable and should not constitute a barrier to justice, we believe the phrase "not constitute a barrier to justice" would be difficult to define and apply when setting fees. HCJDC would recommend that the phrase "not constitute a barrier to justice" be replaced with the term "necessary" as used in companion Senate Bill No. 1174, S.D. 1.

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

DAVID Y. IGE
GOVERNOR



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No. _____

TESTIMONY ON HOUSE BILL 947, HOUSE DRAFT 1
RELATING TO HAWAII CRIMINAL JUSTICE CENTER DATA CENTER FEES.

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Wednesday, February 5, 2020; 2:00 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 947, House Draft (HD) 1, which seeks to amend Section 846-10.5, Hawaii Revised Statutes, to delete the language specifying the amounts and purposes of fees assessed by the Hawaii Criminal Justice Center Data Center and replace it, instead, with language enabling the Center to assess reasonable monetary fees.

PSD appreciates the measure's deference to the judgement of the Hawaii Criminal Justice Center Data Center to assess reasonable fees through a policy implementation process.

Thank you for the opportunity to present this testimony.