

 **DRAFT**

DEPARTMENT OF THE ATTORNEY GENERAL

Amendments to Chapter 5-24
Hawaii Administrative Rules
May 12, 2011

SUMMARY

1. §5-24-2 is amended.
2. §5-24-3 is amended.
3. A new §5-24-4 is added.

§5-24-2 Fee schedule. The fees for the following services are:

- (1) For each search performed on the adult criminal conviction information website (eCrim) \$ 5.00
- (2) For each printout from the adult criminal conviction information website (eCrim) \$ 12.00
- (3) For each printout from a public access terminal \$ 25.00
- (4) For each initial application for the expungement of arrest records, including a \$10.00 non-refundable processing fee \$ 35.00
- (5) For each subsequent application for the expungement of arrest records, including a \$10.00 non-refundable processing fee \$ 50.00
- (6) For each duplicate expungement certificate \$ 20.00
- (7) For each fingerprint-based or name-based criminal history record check conducted by the data center and other state and county agencies \$ 30.00
- (8) For each complete set of fingerprints taken \$ 25.00
- (9) For each certification of a document \$ 20.00
- (10) For each manual fingerprint card scanned to electronic format \$ 5.00
- (11) Monthly fee for criminal history record checks conducted by government agencies not covered by an exemption set forth in section 5-24-3 or HRS §846-10.5. \$ 500.00
- (12) Monthly fee for unlimited searches on the adult criminal conviction information website (eCrim) \$1,000.00
- (13) For each bulk download of public sex offender registration information \$ 100.00

 **DRAFT**

§5-24-2

[Eff 3/27/2009; am
(Imp: HRS §846-10.5)

] (Auth: HRS §846-10.5)

§5-24-3 Exemptions. The exemptions from the fees established in this chapter and HRS §846-10.5 are limited to requests from the following:

- (1) Criminal justice agencies for criminal justice purposes;
- (2) State or county agencies for criminal history record checks for employment or enlistment purposes;
- (3) Child care facilities for criminal history record checks for licensing purposes;
- (4) Non profit charitable organizations that are tax exempt under Internal Revenue Code section 501(c)(3) for criminal history record checks on their adult volunteers having direct contact with minors, the elderly or the disabled;
- (5) Criminal justice or law enforcement agencies for the expungement of an arrest, upon approval of the administrator of the Hawaii criminal justice data center; and
- (6) Federal, state or county agencies for the purposes of security checks, military intelligence, homeland security, civil defense, anti-terrorism, counterintelligence and national security as authorized by law.

[Eff 3/27/2009; am] (Auth: HRS §846-10.5) (Imp:
HRS §846-10.5)

§5-24-4 Federal Bureau of Investigation fees. The applicant fees charged by the Federal Bureau of Investigation for national fingerprint-based criminal history record checks shall be paid to the Hawaii criminal justice data center and held in the criminal history record improvement revolving fund until the fees are passed to the Federal Bureau of Investigation. The portion of the fee that the Federal Bureau of Investigation allows the State to keep in return for processing the fingerprint cards shall be held in the criminal history record improvement revolving fund.

[Eff] (Auth: HRS §846-10.5) (Imp: HRS §846-10.5)

 **DRAFT**

DEPARTMENT OF THE ATTORNEY GENERAL

Amendments to chapter 5-24, Hawaii Administrative Rules, on the Summary page dated May 12, 2011 were adopted on _____, 2011 following a public hearing held on _____, 2011 after public notice was given in the _____ on _____, 2011.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

Administrator
Hawaii Criminal Justice
Data Center

David M. Louie
Attorney General

APPROVED AS TO FORM:

Deputy Attorney General

Neil Abercrombie
Governor
State of Hawaii

Date:

Filed