

SENATE WORKFORCE DEVELOPMENT

TESTIMONY OF HEIDI SMITH OFFICE OF ATTORNEY GENERAL HOUSE BILL NO. 1199

Chairman Wobbema and members of the Committee:

My name is Heidi Smith, IT/CJIS Division Director with the Office of Attorney General, and I appear on behalf of the Attorney General to provide neutral testimony on House Bill 1199. I will try to provide some clarification on the advisory board addressed in section 1 of the bill and the amendments made to that section in the House. Based on the testimony in the House, the intent of the bill, and the function of the advisory board in section 1 of the bill, the committee may want to revisit where the list of new members on page 3, lines 1-10 should be placed in the bill.

The Criminal Justice Information Sharing System Advisory Board's Role

The Criminal Justice Information Sharing (CJIS) system, which is provided by IT/CJIS, is a software application that provides information to authorized criminal justice personnel. To protect the law enforcement data in the CJIS system, access to it is granted through an application process requiring a criminal background check. If someone's application is denied or if someone's access is suspended, the CJIS Advisory Board – which is the advisory board addressed in section 1 of House Bill 1199 – reviews the matter and provides guidance and recommendations regarding that person's application or suspension to the Attorney General. Importantly for House Bill 1199, the Advisory Board does not weigh in on, or make recommendations regarding, investigative techniques, criminal justice budgets, law enforcement duties, law enforcement priorities, or other matters addressed in the bill.

Testimony in the House Regarding Amendment to HB 1199

When the amendment to House Bill 1199 was introduced in the House Government and Veterans Affairs Committee, the committee discussions indicated that it would add members to the taskforce in section 2 of the bill. The additions to the CJIS Advisory Board, however, do not impact the membership of the taskforce, so the new members may have inadvertently been added to the wrong section of the bill.

Difficulty Filling CJIS Advisory Board Quorum Each Quarter

If the new members remain in section 1 of the bill, there will be unintended consequences for law enforcement operations. The CJIS Advisory Board currently is made up of 12 members within the law enforcement, criminal justice and technology communities that support, contribute to, and utilize the CJIS system. At times they have access to confidential and FBI protected data so they have to get the appropriate clearances for that access. The board meets quarterly and must have a quorum (*more than half of the members*) present at each meeting to act and make recommendations. Due to the competing demands on the members' schedules, it is already difficult to fill a quorum at each meeting.

Adding 6 new members to the CJIS Advisory Board, as provided on page 3, lines 1-10 of the bill, would increase the number of members required for a quorum from 7 members to 10 members. This would make it extremely difficult to ensure meetings could be held quarterly, resulting in negative consequences for law enforcement. If a quorum is unable to meet, appeals for access to the CJIS system will not be heard, and recommendations regarding access will not be made to the Attorney General. This will slow down the hiring process for law enforcement agencies, prohibit officers from having access to critical information to do their jobs safely, and impact the ability of law enforcement officers to receive or maintain POST board certification.

For these reasons, the Office of Attorney recommends that the changes to the membership of the CJIS Advisory Board made by the amendment to House Bill 1199 be reconsidered. Thank you for your time and consideration, and I would stand for any questions.