

THE SENATE
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

S.C.R. NO. 31
S.D. 1

SENATE CONCURRENT RESOLUTION

*OPPOSING THE CREATION OF A NATIONAL IDENTIFICATION CARD AND THE
IMPLEMENTATION OF THE REAL ID ACT OF 2005.*

WHEREAS, the State of Hawaii recognizes the Constitution of the United States as our charter of liberty and the bill of rights as affirming the fundamental and inalienable rights of all Americans, including the freedom of privacy and the freedom from unlawful searches and seizures; and

WHEREAS, Hawaii has a diverse population whose contributions are vital to the State's economy, culture, and civic character; and

WHEREAS, Hawaii is proud of its long tradition of protecting civil rights and liberties of all of its residents, affirming the fundamental rights of all people and, in some circumstances, providing more expansive protections than are granted by the United States Constitution; and

WHEREAS, the State of Hawaii denounces terrorism in all its forms and condemns all acts of terrorism by any entity, wherever the acts may occur; and

WHEREAS, any new security measures to provide protection from terrorist attacks should be carefully designed to enhance public safety without infringing on the civil liberties and rights of citizens; and

WHEREAS, the federal Real ID Act of 2005, Public Law 109-13, creates a national identification card by mandating federal standards for state drivers' licenses and identification cards and requiring states to share their motor vehicle databases; and

WHEREAS, the Real ID Act of 2005 mandates the documents that

states must require to issue drivers' licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

WHEREAS, the Real ID Act of 2005 prohibits federal agencies and federally-regulated commercial aircrafts from accepting a driver's license or identification card issued by a state that has not fully complied with the Act; and

WHEREAS, the Real ID Act of 2005 creates a costly unfunded mandate for the states, currently estimated to cost in excess of \$11,000,000,000 to implement; and

WHEREAS, the Real ID Act requires the creation of a fifty state distributed public sector database containing information on every American that is accessible to motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens, which is not the responsibility or business of the government; and

WHEREAS, the Real ID Act of 2005 enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information to be contained on every driver's license; and

WHEREAS, it is likely that these public and private databases will contain numerous errors and false information, creating significant hardships on Americans attempting to verify their identities in order to fly, open bank accounts, or perform many other functions required to live in the United States today; and

WHEREAS, the Federal Trade Commission estimates that ten million Americans are victims of identity theft each year, and, because identity thieves are increasingly targeting motor vehicle departments, the Real ID Act of 2005 will further enable the crime of identity theft by making personal information of all Americans more accessible from more locations; and

WHEREAS, the Real ID Act of 2005 contains onerous record verification and retention provisions that place unreasonable burdens on the motor vehicle divisions and on third parties required to verify records; and

WHEREAS, the Real ID Act of 2005 will place enormous burdens on consumers seeking new drivers' licenses, including waiting in longer lines, higher costs, increased document requests, and longer waiting

periods; and

WHEREAS, the Real ID Act of 2005 will place motor vehicle division staff on the front lines of immigration enforcement by forcing public employees to determine federal citizenship and immigration status; and

WHEREAS, the Real ID Act of 2005 was passed as a rider to an emergency appropriations measure for military operations in Iraq and Afghanistan, which did not receive a hearing by any Congressional Committee or a vote solely on its own merits, despite widespread opposition; and

WHEREAS, the Real ID Act of 2005 eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state, and local policymakers and privacy and industry experts to solve the problem of misuse of identity documents; and

WHEREAS, the State of Hawaii expresses its support of the United States government's campaign against terrorism, as well as the belief that such campaign should not be waged at the expense of the civil rights and liberties of the citizens of this country; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2007, the House of Representatives concurring, that the Legislature of the State of Hawaii opposes the institution of a national identification card and the implementation of the Real ID Act of 2005, particularly those provisions that:

(1) Violate the rights and liberties guaranteed under the Hawaii State Constitution or the United States Constitution, including the bill of rights; and

(2) Create unfunded mandates for the State without any plan for financial subsidization for implementation; and

BE IT FURTHER RESOLVED that the Legislature of the State of Hawaii supports the repeal of the Real ID Act of 2005 and urges the Hawaii congressional delegation to support any legislation that calls for the repeal, amendment, or, at a minimum, the provision of proper funding for the implementation of the Real ID Act of 2005; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent

Resolution be transmitted to the President of the United States through the Secretary of State, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and the members of Hawaii's congressional delegation.