

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 2367
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2367 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES,"

begs leave to report as follows:

The purpose of this bill is to protect Hawaii's children by:

- (1) Requiring employees, prospective employees, and volunteers who seek employment with contracted providers or subcontractors of the Office of Youth Services (OYS) of the Department of Human Services (DHS), which would place them in close proximity to youth, to be subject to criminal history record checks;
- (2) Requiring OYS to develop a system for obtaining verifiable information for the criminal history records;
- (3) Allowing OYS to require a contracted provider or subcontractor to refuse employment to an applicant, terminate an employee, or terminate the services of a volunteer under certain circumstances; and
- (4) Exempting OYS from section 831-3.1, Hawaii Revised Statutes (HRS), which controls the government's use of prior convictions to make employment decisions, and from the administrative procedures of Chapter 91, HRS, when



conducting its investigation, notifications, or hearings on criminal history record checks.


The Department of Human Resources Development, OYS, and Hawaii Youth Services Network testified in support of this bill.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2006, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2367, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2367, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SYLVIA LUKE, Chair



