

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2367

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

Sir:

Your Committees on Labor & Public Employment and Human Services, 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,"

beg 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, be subject to criminal history record checks;
- (2) Requiring OYS to develop a system for obtaining verifiable information on the criminal history records of the individual seeking employment;
- (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;
- (4) Allowing the Department of Human Services (DHS) to conduct criminal history record checks on employees, prospective employees, and volunteers of contracted providers and subcontractors who would be working in



close proximity to youth when providing services on behalf of OYS or the Hawaii Youth Correctional Facility; and


- (5) Exempting OYS from section 831-3.1, Hawaii Revised Statutes (HRS), which controls the government's use of prior conviction to make employment decisions, and from the administrative procedures of Chapter 91, HRS, when conducting its investigations, notifications, or hearings on criminal history record checks.

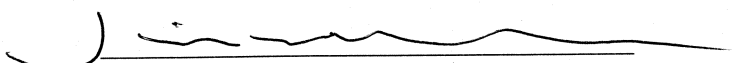
The Department of Human Resources Development, OYS, and the Hawaii Youth Services Network testified in support of this bill.

Your Committees find that OYS currently provides a number of services to at-risk youth, including youth service centers, alternative to incarceration programs, intensive supervision of juvenile offenders released into the community, and diversion services for status offenders and non-violent violators of the law. A large majority of these services are provided via contracts with private agencies who also subcontract with other entities. Your Committees strongly believe that, since many of the employees and volunteers who work for these contractors and subcontractors will be working in close proximity to children, it is appropriate that these individuals be required to submit to criminal history record checks as a condition of employment. The protection of the health, safety, and well being of our youth is of the utmost importance.

As affirmed by the records of votes of the members of your Committees on Labor & Public Employment and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2367 and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committees on Labor & Public Employment and Human Services,


ALEX M. SONSON, Chair


KIRK CALDWELL, Chair

