

Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2343
S.D. 2

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2343, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

begs leave to report as follows:

The purpose of this measure is to authorize criminal background checks for persons providing care or having access to the elderly and the disabled.

Testimony in support of this measure was submitted by the Department of Health, the State Council on Developmental Disabilities, the Hawaii Coalition of Care Home Administrators, the Healthcare Association of Hawaii, the Kokua Council, and the Policy Advisory Board for Elder Affairs.

Your Committee finds that elderly and disabled persons are especially vulnerable classes of our society and persons who provide care or have access to these groups of persons should undergo background checks. Your Committee had some concern about the possibility of liability against the State by persons subject to criminal background checks and has amended the measure to address this issue.

Specifically, your Committee amended this measure to:

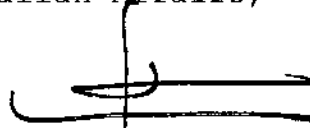
- (1) Conform the definitions of "relevant crime" with the definition of "conviction for relevant crime";



- (2) Remove any requirement that the Federal Bureau of Investigation provide background checks to the Department of Human Services or the Department of Health;
- (3) Insert a requirement that applicants subject to a criminal history check sign a waiver form saying that the Department of Human Services and the Department of Health shall not be liable to the applicant in order to protect the State from liability; and
- (4) Make technical, nonsubstantive changes.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2343, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2343, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



