

STAND. COM. REP. NO.

157

Honolulu, Hawaii

FEB 19 2009

RE: S.B. No. 16  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 16 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 the Department of Education to conduct criminal history record checks on volunteers in positions that place them in close proximity to children, and to terminate or refuse the services of any volunteer.

Testimony in opposition to this measure was submitted by two state agencies. Copies of written testimony are available for review on the Legislature's website.

Your Committee finds that both the public schools and public libraries are committed to the safety of the children under their care, but expressed concern regarding the costs of extending criminal history checks to all of the thousands of volunteers who assist in schools and libraries statewide. Your Committee also heard an extensive discussion of criminal history information that could be shared between state agencies, in order to lower the costs, but finds that the concept may prove unworkable due the differing needs of the agencies.

Your Committee has taken these concerns into consideration and believes that developing an internal criminal history data



base, with the scope to be determined by the Department of Education, is one alternative.

Your Committee has amended this measure accordingly, by:

- (1) Requiring the Department of Education to establish and maintain a criminal history data base available to all public schools and public libraries; and
- (2) Authorizing the Department to determine the scope of the criminal history information required for employees and volunteers, and if appropriate, to limit the scope of the criminal history check of volunteers to only those volunteers who may have regular contact with children.

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 16, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 16, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Housing,

  
\_\_\_\_\_  
NORMAN SAKAMOTO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education and Housing**  
**EDH**

Bill / Resolution No.:* <b>SB116</b>	Committee Referral: <b>EDH, JGD</b>	Date: <b>2-11-09</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood				✓
TSUTSUI, Shan S.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Michelle N. Kidani</div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes