

---

---

## A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS BY COUNTIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 846-2.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Criminal history record checks may be conducted by:

4           (1) The department of health on operators of adult foster  
5 homes or developmental disabilities domiciliary homes  
6 and their employees, as provided by section 333F-22;

7           (2) The department of health on prospective employees,  
8 persons seeking to serve as providers, or  
9 subcontractors in positions that place them in direct  
10 contact with clients when providing non-witnessed  
11 direct mental health services as provided by section  
12 321-171.5;

13           (3) The department of health on all applicants for  
14 licensure for, operators for, and prospective  
15 employees, and volunteers at one or more of the  
16 following: skilled nursing facility, intermediate  
17 care facility, adult residential care home, expanded  
18 adult residential care home, assisted living facility,



1 home health agency, hospice, adult day health center,  
2 special treatment facility, therapeutic living  
3 program, intermediate care facility for the mentally  
4 retarded, hospital, rural health center and  
5 rehabilitation agency, and, in the case of any of the  
6 above-related facilities operating in a private  
7 residence, on any adult living in the facility other  
8 than the client as provided by section 321-15.2;

9 (4) The department of education on employees, prospective  
10 employees, and teacher trainees in any public school  
11 in positions that necessitate close proximity to  
12 children as provided by section 302A-601.5;

13 (5) The counties on employees and prospective employees  
14 who may be in positions that place them in close  
15 proximity to children in recreation or child care  
16 programs and services;

17 (6) The county liquor commissions on applicants for liquor  
18 licenses as provided by section 281-53.5;

19 (7) The department of human services on operators and  
20 employees of child caring institutions, child placing  
21 organizations, and foster boarding homes as provided  
22 by section 346-17;



- 1           (8)    The department of human services on prospective  
2                    adoptive parents as established under section 346-  
3                    19.7;
- 4           (9)    The department of human services on applicants to  
5                    operate child care facilities, prospective employees  
6                    of the applicant, and new employees of the provider  
7                    after registration or licensure as provided by section  
8                    346-154;
- 9           (10)   The department of human services on persons exempt  
10                   pursuant to section 346-152 to be eligible to provide  
11                   child care and receive child care subsidies as  
12                   provided by section 346-152.5;
- 13          (11)   The department of human services on operators and  
14                   employees of home and community-based case management  
15                   agencies and operators and other adults, except for  
16                   adults in care, residing in foster family homes as  
17                   provided by section 346-335;
- 18          (12)   The department of human services on staff members of  
19                   the Hawaii youth correctional facility as provided by  
20                   section 352-5.5;
- 21          (13)   The department of human services on employees,  
22                   prospective employees, and volunteers of contracted



# H.B. NO. 218

1 providers and subcontractors in positions that place  
2 them in close proximity to youth when providing  
3 services on behalf of the office or the Hawaii youth  
4 correctional facility as provided by section 352D-4.3;  
5 (14) The judiciary on employees and applicants at detention  
6 and shelter facilities as provided by section 571-34;  
7 (15) The department of public safety on employees and  
8 prospective employees who are directly involved with  
9 the treatment and care of persons committed to a  
10 correctional facility or who possess police powers  
11 including the power of arrest as provided by section  
12 353C-5;  
13 (16) The department of commerce and consumer affairs on  
14 applicants for private detective or private guard  
15 licensure as provided by section 463-9;  
16 (17) Private schools and designated organizations on  
17 employees and prospective employees who may be in  
18 positions that necessitate close proximity to  
19 children; provided that private schools and designated  
20 organizations receive only indications of the states  
21 from which the national criminal history record



1 information was provided as provided by section 302C-  
2 1;

3 (18) The public library system on employees and prospective  
4 employees whose positions place them in close  
5 proximity to children as provided by section 302A-  
6 601.5;

7 (19) The State or any of its branches, political  
8 subdivisions, or agencies on applicants and employees  
9 holding a position that has the same type of contact  
10 with children, vulnerable adults, or persons committed  
11 to a correctional facility as other public employees  
12 who hold positions that are authorized by law to  
13 require criminal history record checks as a condition  
14 of employment as provided by section 78-2.7;

15 (20) The department of human services on licensed adult day  
16 care center operators, employees, new employees,  
17 subcontracted service providers and their employees,  
18 and adult volunteers as provided by section 346-97;

19 (21) The department of human services on purchase of  
20 service contracted and subcontracted service providers  
21 and their employees serving clients of the adult and



1 community care services branch, as provided by section  
2 346-97;

3 (22) The department of human services on foster grandparent  
4 program, retired and senior volunteer program, senior  
5 companion program, and respite companion program  
6 participants as provided by section 346-97;

7 (23) The department of human services on contracted and  
8 subcontracted service providers and their current and  
9 prospective employees that provide home and community-  
10 based services under Section 1915(c) of the Social  
11 Security Act (Title 42 United States Code Section  
12 1396n(c)), or under any other applicable section or  
13 sections of the Social Security Act for the purposes  
14 of providing home and community-based services, as  
15 provided by section 346-97;

16 (24) The department of commerce and consumer affairs on  
17 proposed directors and executive officers of a bank,  
18 savings bank, savings and loan association, trust  
19 company, and depository financial services loan  
20 company as provided by section 412:3-201;

21 (25) The department of commerce and consumer affairs on  
22 proposed directors and executive officers of a



# H.B. NO. 218

1           nondepository financial services loan company as  
2           provided by section 412:3-301;

3       (26)   The department of commerce and consumer affairs on the  
4           original chartering applicants and proposed executive  
5           officers of a credit union as provided by section  
6           412:10-103;

7   ~~[(27)]~~   The department of commerce and consumer affairs on:

8           (A)   Each principal of every non-corporate applicant  
9           for a money transmitter license; and

10          (B)   The executive officers, key shareholders, and  
11          managers in charge of a money transmitter's  
12          activities of every corporate applicant for a  
13          money transmitter license,

14          as provided by section 489D-9; ~~[and]~~

15       ~~(28)~~   The county agencies responsible for taxicab regulation  
16           on taxicab drivers and applicants for taxicab driver's  
17           certificates; and

18   ~~[(28)]~~   (29)   Any other organization, entity, or the State,  
19           its branches, political subdivisions, or agencies as  
20           may be authorized by state law."

21       SECTION 2.   Statutory material to be repealed is bracketed  
22       and stricken.   New statutory material is underscored.



# H.B. NO. 218

1 SECTION 3. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Calvin K.Y. Ay

By Request

JAN 22 2009





**Report Title:**

Criminal History Record Checks; Counties

**Description:**

Authorizes the counties to conduct criminal history record checks on taxicab drivers and applicants for taxicab driver's certificates.

