

# H.B. NO. 1102

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## A BILL FOR AN ACT

RELATING TO RECORD CHECKS FOR THE OFFICE OF YOUTH SERVICES.

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

1           SECTION 1. Section 352-5.5, Hawaii Revised Statutes,  
2 is amended to read as follows:

3           "**§352-5.5 Criminal history and child abuse record checks.**

4           (a) The department shall develop standards to ensure the  
5 reputable and responsible characters of staff members of the  
6 Hawaii youth correctional [~~facility~~] facilities which shall  
7 include criminal history record checks in accordance with  
8 section 846-2.7[~~-~~] and child abuse record checks.

9           (b) Staff members, as defined in section 352-5, including  
10 any new staff members, shall:

11           (1) Be subject to criminal history record checks in  
12 accordance with section 846-2.7[~~-~~] and child abuse  
13 record checks; and

14           (2) Provide consent to the department to obtain other  
15 criminal history and child abuse record information  
16 for verification.

1 New staff members shall be fingerprinted within five working  
2 days of beginning employment for the purpose of complying with  
3 the criminal history record check.

4 (c) The department shall obtain criminal history record  
5 information through the Hawaii criminal justice data center and  
6 child abuse record information from the department on all staff  
7 members and new staff members of the Hawaii youth correctional  
8 [~~facility.~~] facilities. The department shall conduct an annual  
9 name inquiry into the state criminal history record files[~~-~~] and  
10 the department's child abuse record files.

11 (d) The department may deny employment to a staff member  
12 or new staff member who was convicted of a crime other than a  
13 minor traffic violation involving \$50 or less or has a  
14 documented history of child abuse and neglect and if the  
15 department finds that because of the criminal history or child  
16 abuse record of the staff member or new staff member, the staff  
17 member poses a risk to the health, safety, security, or well-  
18 being of youths under supervision and confinement."

19 SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

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1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. Boy

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BY REQUEST

JAN 26 2009

**Report Title:**

Office of Youth Services Record Checks

**Description:**

Authorizes the Director of Human Services to conduct child abuse record checks as part of the record checks for all current staff and new staff members of the Hawaii youth correctional facilities.

JUSTIFICATION SHEET

DEPARTMENT: Human Services.

TITLE: A BILL FOR AN ACT RELATING TO RECORD CHECKS FOR THE OFFICE OF YOUTH SERVICES.

PURPOSE: To allow the Director of the Department of Human Services to conduct child abuse record checks on current and new employees of the Hawaii youth correctional facilities.

MEANS: Amend section 352-5.5, Hawaii Revised Statutes.

JUSTIFICATION: The Hawaii youth correctional facilities (HYCF) are responsible for the safe and secure custody of youth committed to its care by the Hawaii Family Courts. Section 352-5.5, Hawaii Revised Statutes (HRS), requires criminal history record checks be conducted in accordance with section 846-2.7, HRS, to ensure the reputable and responsible characters of current and new staff members of the HYCF.

There is no requirement, however, for review of the Child Abuse and Neglect (CA/N) registry to determine if current or new employees have been investigated for actions against children by Child Welfare Services of the Department of Human Services. A history of child abuse and neglect could pose a risk to the health, safety, security, and well-being of youths under supervision and confinement of the HYCF. Therefore, it is recommended that child abuse record checks be conducted on all current and new employees of the HYCF.

Changing the references to Hawaii youth correctional "facility" to Hawaii youth correctional "facilities" is a housekeeping measure to conform section 352-5.5, HRS, to the language used in chapter 352, HRS.

Impact on the public: More reassurance of the health, safety, security, and well-being of youths in the Department's care at the HYCF.

Impact on the department and other agencies: Ensures the reputable and responsible characters of current and new HYCF staff.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: HMS 503

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.