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# A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES.

**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, prospective employees,  
15 and volunteers at one or more of the following:  
16 skilled nursing facility, intermediate care facility,  
17 adult residential care home, expanded adult  
18 residential care home, assisted living facility, home



1 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 facilities operating in a private residence, on  
 7 any adult living in the facility other than the client  
 8 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 counties on prospective employees who work with  
 18 vulnerable adults or senior citizens in community-  
 19 based programs;

20 (7) The counties on prospective employees for fire  
 21 department positions that involve contact with  
 22 children or dependent adults;



- 1        (8)    The counties on prospective employees for emergency  
2                    medical services positions that involve contact with  
3                    children or dependent adults;
- 4        [~~+6~~] (9)    The county liquor commissions on applicants for  
5                    liquor licenses as provided by section 281-53.5;
- 6        [~~+7~~] (10)   The department of human services on operators and  
7                    employees of child caring institutions, child placing  
8                    organizations, and foster boarding homes as provided  
9                    by section 346-17;
- 10       [~~+8~~] (11)   The department of human services on prospective  
11                    adoptive parents as established under section 346-  
12                    19.7;
- 13       [~~+9~~] (12)   The department of human services on applicants to  
14                    operate child care facilities, prospective employees  
15                    of the applicant, and new employees of the provider  
16                    after registration or licensure as provided by section  
17                    346-154;
- 18       [~~+10~~] (13)   The department of human services on persons  
19                    exempt pursuant to section 346-152 to be eligible to  
20                    provide child care and receive child care subsidies as  
21                    provided by section 346-152.5;



1       ~~[(11)]~~ (14)   The department of human services on operators  
2                   and employees of home and community-based case  
3                   management agencies and operators and other adults,  
4                   except for adults in care, residing in foster family  
5                   homes as provided by section 346-335;

6       ~~[(12)]~~ (15)   The department of human services on staff  
7                   members of the Hawaii youth correctional facility as  
8                   provided by section 352-5.5;

9       ~~[(13)]~~ (16)   The department of human services on employees,  
10                  prospective employees, and volunteers of contracted  
11                  providers and subcontractors in positions that place  
12                  them in close proximity to youth when providing  
13                  services on behalf of the office or the Hawaii youth  
14                  correctional facility as provided by section 352D-4.3;

15       ~~[(14)]~~ (17)   The judiciary on employees and applicants at  
16                  detention and shelter facilities as provided by  
17                  section 571-34;

18       ~~[(15)]~~ (18)   The department of public safety on employees and  
19                  prospective employees who are directly involved with  
20                  the treatment and care of persons committed to a  
21                  correctional facility or who possess police powers



1 including the power of arrest as provided by section  
2 353C-5;

3 ~~[(16)]~~ (19) The department of commerce and consumer affairs  
4 on applicants for private detective or private guard  
5 licensure as provided by section 463-9;

6 ~~[(17)]~~ (20) Private schools and designated organizations on  
7 employees and prospective employees who may be in  
8 positions that necessitate close proximity to  
9 children; provided that private schools and designated  
10 organizations receive only indications of the states  
11 from which the national criminal history record  
12 information was provided pursuant to section 302C-1;

13 ~~[(18)]~~ (21) The public library system on employees and  
14 prospective employees whose positions place them in  
15 close proximity to children as provided by section  
16 302A-601.5;

17 ~~[(19)]~~ (22) The State or any of its branches, political  
18 subdivisions, or agencies on applicants and employees  
19 holding a position that has the same type of contact  
20 with children, vulnerable adults, or persons committed  
21 to a correctional facility as other public employees  
22 who hold positions that are authorized by law to



1 require criminal history record checks as a condition  
2 of employment as provided by section 78-2.7;

3 ~~[(20)]~~ (23) The department of human services on licensed  
4 adult day care center operators, employees, new  
5 employees, subcontracted service providers and their  
6 employees, and adult volunteers as provided by section  
7 346-97;

8 ~~[(21)]~~ (24) The department of human services on purchase of  
9 service contracted and subcontracted service providers  
10 and their employees serving clients of the adult and  
11 community care services branch, as provided by section  
12 346-97;

13 ~~[(22)]~~ (25) The department of human services on foster  
14 grandparent program, retired and senior volunteer  
15 program, senior companion program, and respite  
16 companion program participants as provided by section  
17 346-97;

18 ~~[(23)]~~ (26) The department of human services on contracted  
19 and subcontracted service providers and their current  
20 and prospective employees that provide home and  
21 community-based services under Section 1915(c) of the  
22 Social Security Act, 42 United States Code Section



1 1396n(c), or under any other applicable section or  
2 sections of the Social Security Act for the purposes  
3 of providing home and community-based services, as  
4 provided by section 346-97;

5 ~~[(24)]~~ (27) The department of commerce and consumer affairs  
6 on proposed directors and executive officers of a  
7 bank, savings bank, savings and loan association,  
8 trust company, and depository financial services loan  
9 company as provided by section 412:3-201;

10 ~~[(25)]~~ (28) The department of commerce and consumer affairs  
11 on proposed directors and executive officers of a  
12 nondepository financial services loan company as  
13 provided by section 412:3-301;

14 ~~[(26)]~~ (29) The department of commerce and consumer affairs  
15 on the original chartering applicants and proposed  
16 executive officers of a credit union as provided by  
17 section 412:10-103;

18 ~~[(27)]~~ (30) The department of commerce and consumer affairs  
19 on:

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



1 (B) The executive officers, key shareholders, and  
 2 managers in charge of a money transmitter's  
 3 activities of every corporate applicant for a  
 4 money transmitter license,  
 5 as provided by section 489D-9;

6 ~~[-28-]~~ (31) The department of commerce and consumer affairs  
 7 on applicants for licensure and persons licensed under  
 8 title 24;

9 ~~[-29-]~~ (32) The Hawaii health systems corporation on:

- 10 (A) Employees;
- 11 (B) Applicants seeking employment;
- 12 (C) Current or prospective members of the corporation
- 13 board or regional system board; or
- 14 (D) Current or prospective volunteers, providers, or
- 15 contractors,
- 16 in any of the corporation's health facilities as
- 17 provided by section 323F-5.5;

18 ~~[-30-]~~ (33) The department of commerce and consumer affairs  
 19 on:

- 20 (A) An applicant for a mortgage loan originator
- 21 license; and



1           (B) Each control person, executive officer, director,  
2           general partner, and manager of an applicant for  
3           a mortgage loan originator company license,  
4           as provided by chapter 454F; and  
5       ~~[(31)]~~ (34) Any other organization, entity, or the State,  
6           its branches, political subdivisions, or agencies as  
7           may be authorized by state law."

8           SECTION 2. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10          SECTION 3. This Act shall take effect on January 7, 2059.



**Report Title:**

Criminal History Record Checks; Counties

**Description:**

Allows counties to conduct criminal history record checks on certain: (1) Liquor commission employees and prospective employees; (2) Prospective employees working with vulnerable adults or seniors; and (3) Prospective fire, emergency medical services, and emergency management employees. Effective January 7, 2059. (HB268 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

