

JAN 21 2011

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 (9) The counties on prospective employees for emergency
5 management positions that involve planning and
6 executing measures for the security of their
7 respective jurisdictions, Hawaii, or the United
8 States;

9 [~~+6~~] (10) The county liquor commissions on applicants for
10 liquor licenses as provided by section 281-53.5;

11 (11) The county liquor commissions on employees and
12 prospective employees involved in liquor control
13 investigations;

14 [~~+7~~] (12) The department of human services on operators and
15 employees of child caring institutions, child placing
16 organizations, and foster boarding homes as provided
17 by section 346-17;

18 [~~+8~~] (13) The department of human services on prospective
19 adoptive parents as established under section 346-
20 19.7;

21 [~~+9~~] (14) The department of human services on applicants to
22 operate child care facilities, prospective employees



1 of the applicant, and new employees of the provider
2 after registration or licensure as provided by section
3 346-154;

4 [~~(10)~~] (15) The department of human services on persons
5 exempt pursuant to section 346-152 to be eligible to
6 provide child care and receive child care subsidies as
7 provided by section 346-152.5;

8 [~~(11)~~] (16) The department of human services on operators and
9 employees of home and community-based case management
10 agencies and operators and other adults, except for
11 adults in care, residing in foster family homes as
12 provided by section 346-335;

13 [~~(12)~~] (17) The department of human services on staff members
14 of the Hawaii youth correctional facility as provided
15 by section 352-5.5;

16 [~~(13)~~] (18) The department of human services on employees,
17 prospective employees, and volunteers of contracted
18 providers and subcontractors in positions that place
19 them in close proximity to youth when providing
20 services on behalf of the office or the Hawaii youth
21 correctional facility as provided by section 352D-4.3;



1 [~~(14)~~] (19) The judiciary on employees and applicants at
2 detention and shelter facilities as provided by
3 section 571-34;

4 [~~(15)~~] (20) The department of public safety on employees and
5 prospective employees who are directly involved with
6 the treatment and care of persons committed to a
7 correctional facility or who possess police powers
8 including the power of arrest as provided by section
9 353C-5;

10 [~~(16)~~] (21) The department of commerce and consumer affairs
11 on applicants for private detective or private guard
12 licensure as provided by section 463-9;

13 [~~(17)~~] (22) Private schools and designated organizations on
14 employees and prospective employees who may be in
15 positions that necessitate close proximity to
16 children; provided that private schools and designated
17 organizations receive only indications of the states
18 from which the national criminal history record
19 information was provided pursuant to section 302C-1;

20 [~~(18)~~] (23) The public library system on employees and
21 prospective employees whose positions place them in



1 close proximity to children as provided by section
2 302A-601.5;

3 ~~[(19)]~~ (24) The State or any of its branches, political
4 subdivisions, or agencies on applicants and employees
5 holding a position that has the same type of contact
6 with children, vulnerable adults, or persons committed
7 to a correctional facility as other public employees
8 who hold positions that are authorized by law to
9 require criminal history record checks as a condition
10 of employment as provided by section 78-2.7;

11 ~~[(20)]~~ (25) The department of human services on licensed
12 adult day care center operators, employees, new
13 employees, subcontracted service providers and their
14 employees, and adult volunteers as provided by section
15 346-97;

16 ~~[(21)]~~ (26) The department of human services on purchase of
17 service contracted and subcontracted service providers
18 and their employees serving clients of the adult and
19 community care services branch, as provided by section
20 346-97;

21 ~~[(22)]~~ (27) The department of human services on foster
22 grandparent program, retired and senior volunteer



1 program, senior companion program, and respite
2 companion program participants as provided by section
3 346-97;

4 [~~(23)~~] (28) The department of human services on contracted
5 and subcontracted service providers and their current
6 and prospective employees that provide home and
7 community-based services under Section 1915(c) of the
8 Social Security Act, 42 United States Code Section
9 1396n(c), or under any other applicable section or
10 sections of the Social Security Act for the purposes
11 of providing home and community-based services, as
12 provided by section 346-97;

13 [~~(24)~~] (29) The department of commerce and consumer affairs
14 on proposed directors and executive officers of a
15 bank, savings bank, savings and loan association,
16 trust company, and depository financial services loan
17 company as provided by section 412:3-201;

18 [~~(25)~~] (30) The department of commerce and consumer affairs
19 on proposed directors and executive officers of a
20 nondepository financial services loan company as
21 provided by section 412:3-301;



1 [~~+26+~~] (31) The department of commerce and consumer affairs
2 on the original chartering applicants and proposed
3 executive officers of a credit union as provided by
4 section 412:10-103;

5 [~~+27+~~] (32) The department of commerce and consumer affairs
6 on:

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

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

13 as provided by section 489D-9;

14 [~~+28+~~] (33) The department of commerce and consumer affairs
15 on applicants for licensure and persons licensed under
16 title 24;

17 [~~+29+~~] (34) The Hawaii health systems corporation on:

18 (A) Employees;

19 (B) Applicants seeking employment;

20 (C) Current or prospective members of the corporation
21 board or regional system board; or

22 (D) Current or prospective volunteers, providers, or



1 contractors,
 2 in any of the corporation's health facilities as
 3 provided by section 323F-5.5;

4 [~~30~~] (35) The department of commerce and consumer affairs
 5 on:

6 (A) An applicant for a mortgage loan originator
 7 license; and


8 (B) Each control person, executive officer, director,
 9 general partner, and manager of an applicant for
 10 a mortgage loan originator company license,
 11 as provided by chapter 454F; and

12 [~~31~~] (36) Any other organization, entity, or the State, its
 13 branches, political subdivisions, or agencies as may
 14 be authorized by state law."

15 SECTION 2. Statutory material to be repealed is bracketed
 16 and stricken. New statutory material is underscored.

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

18

INTRODUCED BY: 

By Request



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.

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

