

JAN 18 2012

---

# 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 individuals  
4 with intellectual disabilities, hospital, rural health  
5 center and rehabilitation agency, and, in the case of  
6 any of the above 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 county liquor commissions on employees and  
20 prospective employees involved in liquor  
21 administration, law enforcement, and liquor control  
22 investigations;



1       ~~[(7)]~~ (8)   The department of human services on operators and  
2                   employees of child caring institutions, child placing  
3                   organizations, and foster boarding homes as provided  
4                   by section 346-17;

5       ~~[(8)]~~ (9)   The department of human services on prospective  
6                   adoptive parents as established under section 346-  
7                   19.7;

8       ~~[(9)]~~ (10)   The department of human services on applicants  
9                   to operate child care facilities, prospective  
10                  employees of the applicant, and new employees of the  
11                  provider after registration or licensure as provided  
12                  by section 346-154;

13       ~~[(10)]~~ (11)   The department of human services on persons  
14                   exempt pursuant to section 346-152 to be eligible to  
15                   provide child care and receive child care subsidies as  
16                   provided by section 346-152.5;

17       ~~[(11)]~~ (12)   The department of human services on operators  
18                   and employees of home and community-based case  
19                   management agencies and operators and other adults,  
20                   except for adults in care, residing in foster family  
21                   homes as provided by section 346-335;



1        [~~(12)~~] (13)    The department of human services on staff  
2                    members of the Hawaii youth correctional facility as  
3                    provided by section 352-5.5;

4        [~~(13)~~] (14)    The department of human services on employees,  
5                    prospective employees, and volunteers of contracted  
6                    providers and subcontractors in positions that place  
7                    them in close proximity to youth when providing  
8                    services on behalf of the office or the Hawaii youth  
9                    correctional facility as provided by section 352D-4.3;

10       [~~(14)~~] (15)    The judiciary on employees and applicants at  
11                    detention and shelter facilities as provided by  
12                    section 571-34;

13       [~~(15)~~] (16)    The department of public safety on employees and  
14                    prospective employees who are directly involved with  
15                    the treatment and care of persons committed to a  
16                    correctional facility or who possess police powers  
17                    including the power of arrest as provided by section  
18                    353C-5;

19       [~~(16)~~] (17)    The department of commerce and consumer affairs  
20                    on applicants for private detective or private guard  
21                    licensure as provided by section 463-9;



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

8       ~~[(18)]~~ (19) The public library system on employees and  
9       prospective employees whose positions place them in  
10      close proximity to children as provided by section  
11      302A-601.5;

12      ~~[(19)]~~ (20) The State or any of its branches, political  
13      subdivisions, or agencies on applicants and employees  
14      holding a position that has the same type of contact  
15      with children, vulnerable adults, or persons committed  
16      to a correctional facility as other public employees  
17      who hold positions that are authorized by law to  
18      require criminal history record checks as a condition  
19      of employment as provided by section 78-2.7;

20      ~~[(20)]~~ (21) The department of human services on licensed  
21      adult day care center operators, employees, new  
22      employees, subcontracted service providers and their



1 employees, and adult volunteers as provided by section  
2 346-97;

3 ~~[(21)]~~ (22) The department of human services on purchase of  
4 service contracted and subcontracted service providers  
5 and their employees serving clients of the adult and  
6 community care services branch, as provided by section  
7 346-97;

8 ~~[(22)]~~ (23) The department of human services on foster  
9 grandparent program, retired and senior volunteer  
10 program, senior companion program, and respite  
11 companion program participants as provided by section  
12 346-97;

13 ~~[(23)]~~ (24) The department of human services on contracted  
14 and subcontracted service providers and their current  
15 and prospective employees that provide home and  
16 community-based services under Section 1915(c) of the  
17 Social Security Act, Title 42 United States Code  
18 Section 1396n(c), or under any other applicable  
19 section or sections of the Social Security Act for the  
20 purposes of providing home and community-based  
21 services, as provided by section 346-97;



1        [~~24~~] (25)    The department of commerce and consumer affairs  
2                    on proposed directors and executive officers of a  
3                    bank, savings bank, savings and loan association,  
4                    trust company, and depository financial services loan  
5                    company as provided by section 412:3-201;

6        [~~25~~] (26)    The department of commerce and consumer affairs  
7                    on proposed directors and executive officers of a  
8                    nondepository financial services loan company as  
9                    provided by section 412:3-301;

10       [~~26~~] (27)    The department of commerce and consumer affairs  
11                    on the original chartering applicants and proposed  
12                    executive officers of a credit union as provided by  
13                    section 412:10-103;

14       [~~27~~] (28)    The department of commerce and consumer affairs  
15                    on:

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

18                    (B)    The executive officers, key shareholders, and  
19                    managers in charge of a money transmitter's  
20                    activities of every corporate applicant for a  
21                    money transmitter license,

22                    as provided by section 489D-9;



1       ~~[(28)]~~ (29)   The department of commerce and consumer affairs  
2                   on applicants for licensure and persons licensed under  
3                   title 24;

4       ~~[(29)]~~ (30)   The Hawaii health systems corporation on:

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

13       ~~[(30)]~~ (31)   The department of commerce and consumer affairs  
14                   on:

- 15                   (A)   An applicant for a mortgage loan originator  
16                   license; and
- 17                   (B)   Each control person, executive officer, director,  
18                   general partner, and manager of an applicant for  
19                   a mortgage loan originator company license,  
20                   as provided by chapter 454F; ~~[and]~~





1        (32) The counties on prospective employees who work with  
2        vulnerable adults or senior citizens in community  
3        based programs;

4        (33) The counties on prospective employees for fire  
5        department positions which involve contact with  
6        children or dependent adults;

7        (34) The counties on prospective employees for emergency  
8        medical services positions which involve contact with  
9        children or dependent adults;

10       (35) The counties on prospective employees for emergency  
11       management positions and community volunteers whose  
12       responsibilities involve planning and executing  
13       Homeland Security measures including viewing,  
14       handling, and engaging in law enforcement or  
15       classified meetings and assisting vulnerable and  
16       disabled citizens during emergencies or crises; and

17       [~~(31)~~] (36) Any other organization, entity, or the State,  
18       its branches, political subdivisions, or agencies as  
19       may be authorized by state law."


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



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

2

INTRODUCED BY:



By Request



# S.B. NO. 2071

**Report Title:**

Criminal History Record Checks for County Employees; City and County of Honolulu Package

**Description:**

Allows counties to conduct criminal history checks on prospective liquor commission employees, employees working with vulnerable adults or seniors, employees for 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.*

