

JAN 20 2012

---

---

# A BILL FOR AN ACT

RELATING TO BACKGROUND CHECKS.

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

1           SECTION 1. The legislature finds that private employers  
2 and individuals need access to department of human services  
3 records in order to conduct child and vulnerable adult abuse  
4 perpetrator checks for employment, volunteer, licensure, or  
5 certification purposes. While this information is available to  
6 private employers and individuals, the current process is often  
7 time consuming and onerous.

8           The purpose of this Act is to require the department of  
9 human services to allow persons to conduct child and vulnerable  
10 adult abuse perpetrator checks on the department's website as  
11 part of background checks for employment, volunteer, licensure,  
12 or certification purposes.

13           SECTION 2. Chapter 346, Hawaii Revised Statutes, is  
14 amended by adding a new section to part X to be appropriately  
15 designated and to read as follows:

16           "§346-     Adult abuse perpetrator checks; online access.

17           (a) The department shall allow public access to the  
18 department's website to conduct adult abuse perpetrator checks



1 as part of background checks for employment, volunteer,  
2 licensure, or certification purposes; provided that:

3 (1) Any information released about a perpetrator shall be  
4 limited to confirmed reports of abuse or neglect;

5 (2) The name or other identifying information of a  
6 vulnerable adult who is the victim of any abuse or  
7 neglect shall not be made available;

8 (3) Requesters of the information may be required to  
9 register with the department in exchange for access to  
10 this information through the department's website; and

11 (4) The department shall be immune from civil liability to  
12 any individual who obtains information from the  
13 department pursuant to this section.

14 (b) For purposes of this section:

15 "Adult abuse perpetrator check" means a search to determine  
16 whether an individual is known to the department as a  
17 perpetrator of abuse, as defined in section 346-222, by means of  
18 a search of the individual's name and birth date in the  
19 department's central registry of reported vulnerable adult  
20 abuse.



1       "Perpetrator" means the person identified by a reporter of  
2 vulnerable adult abuse or the department as the person who, by  
3 acts or omissions, has abused a vulnerable adult."

4       SECTION 3. Chapter 350, Hawaii Revised Statutes, is  
5 amended by adding a new section to be appropriately designated  
6 and to read as follows:

7       "§350-     Child abuse perpetrator checks; online access.

8       (a) The department shall allow public access to the  
9 department's website to conduct child abuse perpetrator checks  
10 as part of background checks for employment, volunteer,  
11 licensure, or certification purposes; provided that:

12       (1) Any information released about a perpetrator shall be  
13 limited to confirmed reports of abuse or neglect;

14       (2) The name or other identifying information of a child  
15 who is the victim of any abuse or neglect shall not be  
16 made available;

17       (3) Requesters of the information may be required to  
18 register with the department in exchange for access to  
19 this information through the department's website; and

20       (4) The department shall be immune from civil liability to  
21 any individual who obtains information from the  
22 department pursuant to this subsection.



1        (b) For purposes of this section:

2        "Child abuse perpetrator check" means a search to determine  
3 whether an individual is known to the department as a  
4 perpetrator of child abuse or neglect, as defined in section  
5 350-1, by means of a search of the individual's name and birth  
6 date in the department's central registry of reported child  
7 abuse.

8        "Perpetrator" means the person identified by a reporter of  
9 child abuse or by the department as the person who, by acts or  
10 omissions, has abused or neglected a child."

11        SECTION 4. Section 346-225, Hawaii Revised Statutes, is  
12 amended to read as follows:

13        **"§346-225 Confidentiality of reports.** A report made  
14 pursuant to this part, including the identity of the reporting  
15 person and all records of the report, shall be confidential,  
16 unless otherwise required to be disclosed by law or rule, and  
17 any person who makes an unauthorized disclosure of a report or  
18 records of a report shall be guilty of a misdemeanor.

19        The director may adopt, amend, or repeal rules, pursuant to  
20 chapter 91, to provide for the confidentiality of reports and  
21 records, and for the authorized disclosure of reports and  
22 records."



1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect upon its approval.

3

INTRODUCED BY: Enzanne Chun Oakland

Allyson

Clara K. Ruckelshaus

David Y. Lee

Josh

Carol Fulmer



**Report Title:**

Child Abuse; Adult Abuse; Background Checks

**Description:**

Requires the department of human services to allow persons to conduct child and vulnerable adult abuse perpetrator checks on the department's website as part of background checks for employment, volunteer, licensure, or certification purposes.

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

