

Honolulu, Hawaii

March 16, 2012

RE: S.B. No. 2071  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred S.B. No. 2071, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES,"

begs leave to report as follows:

The purpose of this measure is to protect Hawaii's people by allowing criminal history record checks to be conducted by:

- (1) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations; and
- (2) The counties on prospective employees:
  - (A) Who will work with vulnerable adults or senior citizens in community-based programs;
  - (B) For fire department positions that involve contact with children or dependent adults;
  - (C) For emergency medical services positions that involve contact with children or dependent adults; and



- (D) For emergency management positions and community volunteers whose responsibilities involve planning and executing homeland security measures including viewing, handling, and engaging in law enforcement or classified meetings and assisting vulnerable or disabled citizens during emergencies or crises.

The Hawaii Civil Rights Commission, State Fire Council, Department of Human Resources of the City and County of Honolulu, Honolulu Fire Department, and a concerned individual testified in support of this measure.

Under current law, certain agencies at both the state and county levels, as well as private entities are allowed to conduct state and national criminal history record checks on specific types of personnel for the purposes of determining suitability or fitness, for among other things, employment. However, counties are currently only allowed to conduct these types of checks on employees and prospective employees who may be in positions that place them in close proximity to children in recreation or child care programs and services. Changing missions and duties of various county departments have resulted in employees within those departments coming into contact, and dealing with, children in situations other than recreation or child care programs and services, and vulnerable adults. In addition, with the elimination of residency requirements, as well as the recent economic downturn, applications for civil service positions, including positions in these departments, have increased. This presents a dilemma for these departments because they have no legal means to verify whether or not applicants for these positions possess the qualities to deal with children and vulnerable adults. This measure attempts to correct this problem.

Your Committee has amended this measure by changing its effective date to upon approval.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2071, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2071, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,

*Karl Rhoads*

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KARL RHOADS, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

*HSCE 1022-12*

Record of Votes of the Committee on Labor & Public Employment

Bill/Resolution No.: <i>SB 2071 SD2</i>	Committee Referral: <i>LAB, JUD, FIN</i>	Date: <i>3-13-12</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. ICHIYAMA, Linda	/			
6. LEE, Marilyn B.	/			
7. LUKE, Sylvia				/
8. <del>OKAMURA, Tom</del>				
9. SAIKI, Scott K.	/			
10. SOUKI, Joseph M.				/
11. TAKUMI, Roy M.				/
12. FONTAINE, George R.	/			
13. JOHANSON, Aaron Ling	/			
TOTAL (13)	9	-	-	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) -- Committee    Duplicate (Yellow) -- Chief Clerk's Office    Duplicate (Pink) -- HMSO				