

STAND. COM. REP. NO. 2267

Honolulu, Hawaii

FEB 16 2012

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

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Human Services, to which was referred S.B. No. 2071 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the conducting of criminal history checks by county liquor commissions on prospective liquor commission employees, and by counties on employees working with vulnerable adults or seniors; employees for fire and emergency medical services; and emergency management employees.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, the Hawaii Civil Rights Commission, the Department of Human Resources of the City and County of Honolulu, and the Department of Information Technology of the City and County of Honolulu.

Your Committees find that public trust must not be compromised when individuals are hired for positions that involve liquor investigations, emergency responses, emergency management, and community-based services. Your Committees also find that with the current influx of out-of-state individuals applying for civil service jobs in Hawaii, counties do not have an effective means of conducting a thorough background check, including reviewing prospective employees' convictions that occurred outside of the

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State of Hawaii. This measure will authorize the counties to efficiently obtain criminal history record information to ensure counties are hiring individuals who are suitable to work in close proximity to children and other vulnerable citizens.

Your Committees further find that section 378-2.5(d), Hawaii Revised Statutes, exempts the counties from the following limitations:

- (1) Inquiries and consideration of conviction records for prospective employees must be made only after a conditional job offer is made; and
- (2) The employer may consider the employee's conviction record for up to the ten most recent years, excluding periods of incarceration, in the exercise of their authority to conduct criminal history record checks pursuant to section 846-2.7, Hawaii Revised Statutes.

Your Committees find that this law provides counties with an overly broad authorization to conduct criminal history record checks.

Your Committees have therefore amended this measure by:

- (1) Limiting the exemptions under 378-2.5(d), Hawaii Revised Statutes, to apply only to the conducting of criminal background checks by the counties for county employees and prospective employees working in close proximity to children in recreation or child care programs and services or involving contact with vulnerable adults, such as senior citizens and disabled citizens, or children; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2071, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2071, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Government Operations, and  
Military Affairs and Human  
Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair

Will Espero

WILL ESPERO, Chair





The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <i>SB 2011</i>	Committee Referral: <i>PGM/HMS, JDL</i>	Date: <i>2/9/12</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh	✓			
SLOM, Sam				✓
<b>TOTAL</b>	<i>3</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>[Signature]</i>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes