

STAND. COM. REP. NO.

2467

Honolulu, Hawaii

MAR 01 2012

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2071, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide county agencies the ability to access national criminal history record information in addition to state conviction information for the purposes of determining the employment suitability of prospective and existing employees. Specifically, this measure allows the counties to obtain criminal history record information for current and prospective employees for work involving liquor control investigations, for work in firefighting or emergency medical services that involves contact with children or dependent adults, and for work assisting vulnerable and disabled citizens during emergencies or crises.

Your Committee received testimony in support of this measure from the Hawaii Civil Rights Commission, the Department of Human Resources of the City and County of Honolulu, the State Fire Council, the Honolulu Fire Department, the Department of Fire and Public Safety of the County of Maui, and the Kauai Fire Department.

Your Committee finds that the administration and hiring of county personnel is primarily based upon a merit system, in which individuals are selected for jobs based on their fitness and

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ability for public employment and employee retention is based on their demonstrated appropriate conduct and productive performance. Part of determining the fitness of a prospective employee is determining whether the applicant has a criminal history, and if so, assessing the relevancy and potential impact of the conviction on the applicant's fitness for the job.

Your Committee further finds that with the current influx of out-of-state individuals applying for civil service jobs in Hawaii, the counties do not have effective means of conducting a thorough background check, including reviewing prospective employees' convictions that occurred outside of the State. This measure authorizes the counties to obtain national criminal history record information for certain prospective employees, enabling the counties to make well-informed decisions regarding those prospective employees' fitness for jobs that involve liquor control or contact with children or vulnerable adults.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,




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CLAYTON HEE, Chair



The Senate  
 Twenty-Sixth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2071, SD1	PGM/HMS, JDL	2-22-12		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)				✓
GABBARD, Mike	✓			
IHARA, Jr., Les				✓
SLOM, Sam	✓			
<b>TOTAL</b>	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
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\*Only one measure per Record of Votes