



GOV. MSG. NO. 1138

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

April 23, 2014

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 23, 2014, the following bill was signed into law:

SB2822 SD1 HD1

RELATING TO CRIMINAL HISTORY RECORD
CHECKS FOR REAL ESTATE APPRAISERS
ACT 038 (14)

Aloha
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

JUN 23 2014

RECEIVED
THE SENATE
CLERK'S OFFICE
STATE OF HAWAII

'14 APR 24 P5:33

RECEIVED
SENATE
OFFICE OF THE PRESIDENT

'14 APR 24 P5:05

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OFFICE OF THE PRESIDENT

A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR REAL ESTATE
APPRAISERS.

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 or the department's designee
5 on operators of adult foster homes or developmental
6 disabilities domiciliary homes and their employees, as
7 provided by section 333F-22;

8 (2) The department of health or the department's designee
9 on prospective employees, persons seeking to serve as
10 providers, or subcontractors in positions that place
11 them in direct contact with clients when providing
12 non-witnessed direct mental health services as
13 provided by section 321-171.5;

14 (3) The department of health or the department's designee
15 on all applicants for licensure for, operators for,
16 prospective employees, and volunteers at one or more
17 of the following: skilled nursing facility,



1 intermediate care facility, adult residential care
2 home, expanded adult residential care home, assisted
3 living facility, home health agency, hospice, adult
4 day health center, special treatment facility,
5 therapeutic living program, intermediate care facility
6 for individuals with intellectual disabilities,
7 hospital, rural health center and rehabilitation
8 agency, and, in the case of any of the above
9 facilities operating in a private residence, on any
10 adult living in the facility other than the client as
11 provided by section 321-15.2;

12 (4) The department of education on employees, prospective
13 employees, and teacher trainees in any public school
14 in positions that necessitate close proximity to
15 children as provided by section 302A-601.5;

16 (5) The counties on employees and prospective employees
17 who may be in positions that place them in close
18 proximity to children in recreation or child care
19 programs and services;

20 (6) The county liquor commissions on applicants for liquor
21 licenses as provided by section 281-53.5;



- 1 (7) The county liquor commissions on employees and
2 prospective employees involved in liquor
3 administration, law enforcement, and liquor control
4 investigations;
- 5 (8) The department of human services on operators and
6 employees of child caring institutions, child placing
7 organizations, and foster boarding homes as provided
8 by section 346-17;
- 9 (9) The department of human services on prospective
10 adoptive parents as established under section 346-
11 19.7;
- 12 (10) The department of human services on applicants to
13 operate child care facilities, prospective employees
14 of the applicant, and new employees of the provider
15 after registration or licensure as provided by section
16 346-154;
- 17 (11) The department of human services on persons exempt
18 pursuant to section 346-152 to be eligible to provide
19 child care and receive child care subsidies as
20 provided by section 346-152.5;
- 21 (12) The department of health on operators and employees of
22 home and community-based case management agencies and



1 operators and other adults, except for adults in care,
2 residing in foster family homes as provided by section
3 321-484;

4 (13) The department of human services on staff members of
5 the Hawaii youth correctional facility as provided by
6 section 352-5.5;

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

13 (15) The judiciary on employees and applicants at detention
14 and shelter facilities as provided by section 571-34;

15 (16) The department of public safety on employees and
16 prospective employees who are directly involved with
17 the treatment and care of persons committed to a
18 correctional facility or who possess police powers
19 including the power of arrest as provided by section
20 353C-5;



- 1 (17) The board of private detectives and guards on
2 applicants for private detective or private guard
3 licensure as provided by section 463-9;
- 4 (18) Private schools and designated organizations on
5 employees and prospective employees who may be in
6 positions that necessitate close proximity to
7 children; provided that private schools and designated
8 organizations receive only indications of the states
9 from which the national criminal history record
10 information was provided pursuant to section 302C-1;
- 11 (19) The public library system on employees and prospective
12 employees whose positions place them in close
13 proximity to children as provided by section 302A-
14 601.5;
- 15 (20) The State or any of its branches, political
16 subdivisions, or agencies on applicants and employees
17 holding a position that has the same type of contact
18 with children, vulnerable adults, or persons committed
19 to a correctional facility as other public employees
20 who hold positions that are authorized by law to
21 require criminal history record checks as a condition
22 of employment as provided by section 78-2.7;



- 1 (21) The department of health on licensed adult day care
2 center operators, employees, new employees,
3 subcontracted service providers and their employees,
4 and adult volunteers as provided by section 321-496;
- 5 (22) The department of human services on purchase of
6 service contracted and subcontracted service providers
7 and their employees serving clients of the adult and
8 community care services branch, as provided by section
9 346-97;
- 10 (23) The department of human services on foster grandparent
11 program, senior companion program, and respite
12 companion program participants as provided by section
13 346-97;
- 14 (24) The department of human services on contracted and
15 subcontracted service providers and their current and
16 prospective employees that provide home and community-
17 based services under section 1915(c) of the Social
18 Security Act, [~~Title~~] title 42 United States Code
19 section 1396n(c), or under any other applicable
20 section or sections of the Social Security Act for the
21 purposes of providing home and community-based
22 services, as provided by section 346-97;



- 1 (25) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a bank,
3 savings bank, savings and loan association, trust
4 company, and depository financial services loan
5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
7 proposed directors and executive officers of a
8 nondepository financial services loan company as
9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
11 original chartering applicants and proposed executive
12 officers of a credit union as provided by section
13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
15 (A) Each principal of every non-corporate applicant
16 for a money transmitter license; and
17 (B) The executive officers, key shareholders, and
18 managers in charge of a money transmitter's
19 activities of every corporate applicant for a
20 money transmitter license,
21 as provided by sections 489D-9 and 489D-15;



- 1 (29) The department of commerce and consumer affairs on
2 applicants for licensure and persons licensed under
3 title 24;
- 4 (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 (31) The department of commerce and consumer affairs on:
- 14 (A) An applicant for a mortgage loan originator
15 license; and
- 16 (B) Each control person, executive officer, director,
17 general partner, and manager of an applicant for
18 a mortgage loan originator company license,
19 as provided by chapter 454F;
- 20 (32) The state public charter school commission or public
21 charter schools on employees, teacher trainees,
22 prospective employees, and prospective teacher



1 trainees in any public charter school for any position
2 that places them in close proximity to children, as
3 provided in section 302D-33;

4 (33) The counties on prospective employees who work with
5 vulnerable adults or senior citizens in community-
6 based programs;

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

10 (35) The counties on prospective employees for emergency
11 medical services positions which involve contact with
12 children or dependent adults;

13 (36) The counties on prospective employees for emergency
14 management positions and community volunteers whose
15 responsibilities involve planning and executing
16 homeland security measures including viewing,
17 handling, and engaging in law enforcement or
18 classified meetings and assisting vulnerable and
19 disabled citizens during emergencies or crises; ~~and~~

20 (37) The department of commerce and consumer affairs on
21 applicants for real estate appraiser licensure or
22 certification as provided by chapter 466K; and



1 ~~(37)~~. (38) Any other organization, entity, or the State,
2 its branches, political subdivisions, or agencies as
3 may be authorized by state law."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act, upon its approval, shall take effect
7 on July 1, 2014.

APPROVED this 23 day of APR, 2014



GOVERNOR OF THE STATE OF HAWAII