

STAND. COM. REP. NO. 2097

Honolulu, Hawaii

FEB 06 2014

RE: S.B. No. 2420
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Human Services and Public Safety,
Intergovernmental and Military Affairs, to which was referred S.B.
No. 2420 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to authorize the
State and counties to perform national criminal history record
checks on certain categories of current and prospective employees,
volunteers, and contractors.

Your Committees received testimony in support of this measure
from the Department of Human Resources Development; Department of
Human Resources, City and County of Honolulu; Police Department,
City and County of Honolulu; Department of Transportation
Services, City and County of Honolulu; and Honolulu Emergency
Services Department, City and County of Honolulu. Your Committees
received comments on this measure from the Hawaii Civil Rights
Commission.

Your Committees find that it is important for employers to be
able to determine the employment suitability of current and
prospective employees. Certain job duties and responsibilities
make the need to determine employment suitability particularly
crucial and may warrant additional evaluation of the current or
prospective employee. One tool that is useful to assess
employment suitability is criminal history record checks. This

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measure authorizes the State and counties to access criminal history record information for additional groups of employees and prospective employees.

Your Committees also find that the provisions of the measure authorizing criminal history record checks prior to the State or county making an employment offer may extend such authority to too many types of prospective employees. Testimony received on this measure indicates that permitting pre-offer criminal history record checks for prospective employees related to traffic management positions and systems analyst positions would result in overly broad exceptions to the requirements and limitations imposed on employer inquiries into, and consideration of, conviction records.

Accordingly, your Committees have amended this measure by:

- (1) Removing language that authorized criminal history record checks prior to an employment offer, and exemption from the ten year look-back period, for prospective employees who require unescorted access to traffic management equipment and related secured areas as well as prospective systems analysts involved in an agency's information technology operation who have access to sensitive information;
- (2) Adding language that authorizes the State, in addition to the counties, to perform criminal history record checks on employees and prospective employees whose positions involve the handling or use of firearms for other than law enforcement purposes or whose positions are involved in an agency's information technology operation and responsibilities and have access to sensitive information;
- (3) Changing the effective date to July 1, 2014, to effectuate certain language in section 846-2.7(b), Hawaii Revised Statutes; and
- (4) 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 Human Services and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your



Committees are in accord with the intent and purpose of S.B. No. 2420, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2420, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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



WILL ESPERO, Chair

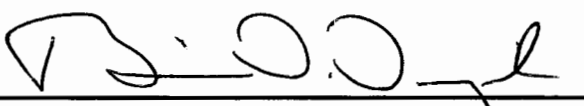


SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

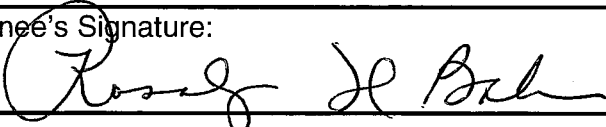
Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 2420	Committee Referral: HMS/PSM, JDL	Date: 1/20/14		
<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)	✓			
GREEN, Josh (VC)				✓
KIDANI, Michelle N.	✓			
TANIGUCHI, Brian T.	✓			
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2420	HMS/PSM, JDL	1/28/14		
<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
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, Josh	✓			
SLOM, Sam				✓
TOTAL	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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