
A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that criminal background
2 checks on firearms applicants are critical to ensure the safety
3 of the community.

4 The rap back system is a service of the Federal Bureau of
5 Investigation that provides continuous criminal record
6 monitoring for authorized government agencies, including law
7 enforcement agencies, and notifies them when an individual
8 subject to a criminal background check is arrested for a
9 criminal offense anywhere in the country. This notification
10 will allow county police departments in Hawaii to evaluate if
11 the owner of a firearm may continue to legally possess and own
12 firearms.

13 The purpose of this Act is to authorize county police
14 departments in Hawaii to enroll firearms applicants into the rap
15 back system.

16 SECTION 2. Section 846-2.7, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:



- 1 "(b) Criminal history record checks may be conducted by:
- 2 (1) The department of health or its designee on operators
- 3 of adult foster homes for individuals with
- 4 developmental disabilities or developmental
- 5 disabilities domiciliary homes and their employees, as
- 6 provided by section 321-15.2;
- 7 (2) The department of health or its designee on
- 8 prospective employees, persons seeking to serve as
- 9 providers, or subcontractors in positions that place
- 10 them in direct contact with clients when providing
- 11 non-witnessed direct mental health or health care
- 12 services as provided by section 321-171.5;
- 13 (3) The department of health or its designee on all
- 14 applicants for licensure or certification for,
- 15 operators for, prospective employees, adult
- 16 volunteers, and all adults, except adults in care, at
- 17 health care facilities as defined in section 321-15.2;
- 18 (4) The department of education on employees, prospective
- 19 employees, and teacher trainees in any public school
- 20 in positions that necessitate close proximity to
- 21 children as provided by section 302A-601.5;



- 1 (5) The counties on employees and prospective employees
2 who may be in positions that place them in close
3 proximity to children in recreation or child care
4 programs and services;
- 5 (6) The county liquor commissions on applicants for liquor
6 licenses as provided by section 281-53.5;
- 7 (7) The county liquor commissions on employees and
8 prospective employees involved in liquor
9 administration, law enforcement, and liquor control
10 investigations;
- 11 (8) The department of human services on operators and
12 employees of child caring institutions, child placing
13 organizations, and foster boarding homes as provided
14 by section 346-17;
- 15 (9) The department of human services on prospective
16 adoptive parents as established under section
17 346-19.7;
- 18 (10) The department of human services on applicants to
19 operate child care facilities, prospective employees
20 of the applicant, and new employees of the provider



- 1 after registration or licensure as provided by section
2 346-154;
- 3 (11) The department of human services on persons exempt
4 pursuant to section 346-152 to be eligible to provide
5 child care and receive child care subsidies as
6 provided by section 346-152.5;
- 7 (12) The department of health on operators and employees of
8 home and community-based case management agencies and
9 operators and other adults, except for adults in care,
10 residing in community care foster family homes as
11 provided by section 321-15.2;
- 12 (13) The department of human services on staff members of
13 the Hawaii youth correctional facility as provided by
14 section 352-5.5;
- 15 (14) The department of human services on employees,
16 prospective employees, and volunteers of contracted
17 providers and subcontractors in positions that place
18 them in close proximity to youth when providing
19 services on behalf of the office or the Hawaii youth
20 correctional facility as provided by section 352D-4.3;



- 1 (15) The judiciary on employees and applicants at detention
2 and shelter facilities as provided by section 571-34;
- 3 (16) The department of public safety on employees and
4 prospective employees who are directly involved with
5 the treatment and care of persons committed to a
6 correctional facility or who possess police powers
7 including the power of arrest as provided by section
8 353C-5;
- 9 (17) The board of private detectives and guards on
10 applicants for private detective or private guard
11 licensure as provided by section 463-9;
- 12 (18) Private schools and designated organizations on
13 employees and prospective employees who may be in
14 positions that necessitate close proximity to
15 children; provided that private schools and designated
16 organizations receive only indications of the states
17 from which the national criminal history record
18 information was provided pursuant to section 302C-1;
- 19 (19) The public library system on employees and prospective
20 employees whose positions place them in close



- 1 proximity to children as provided by section
2 302A-601.5;
- 3 (20) The State or any of its branches, political
4 subdivisions, or agencies on applicants and employees
5 holding a position that has the same type of contact
6 with children, vulnerable adults, or persons committed
7 to a correctional facility as other public employees
8 who hold positions that are authorized by law to
9 require criminal history record checks as a condition
10 of employment as provided by section 78-2.7;
- 11 (21) The department of health on licensed adult day care
12 center operators, employees, new employees,
13 subcontracted service providers and their employees,
14 and adult volunteers as provided by section 321-15.2;
- 15 (22) The department of human services on purchase of
16 service contracted and subcontracted service providers
17 and their employees serving clients of the adult
18 protective and community services branch, as provided
19 by section 346-97;
- 20 (23) The department of human services on foster grandparent
21 program, senior companion program, and respite



1 companion program participants as provided by section
2 346-97;

3 (24) The department of human services on contracted and
4 subcontracted service providers and their current and
5 prospective employees that provide home and community-
6 based services under section 1915(c) of the Social
7 Security Act, title 42 United States Code section
8 1396n(c), or under any other applicable section or
9 sections of the Social Security Act for the purposes
10 of providing home and community-based services, as
11 provided by section 346-97;

12 (25) The department of commerce and consumer affairs on
13 proposed directors and executive officers of a bank,
14 savings bank, savings and loan association, trust
15 company, and depository financial services loan
16 company as provided by section 412:3-201;

17 (26) The department of commerce and consumer affairs on
18 proposed directors and executive officers of a
19 nondepository financial services loan company as
20 provided by section 412:3-301;



- 1 (27) The department of commerce and consumer affairs on the
2 original chartering applicants and proposed executive
3 officers of a credit union as provided by section
4 412:10-103;
- 5 (28) The department of commerce and consumer affairs on:
6 (A) Each principal of every non-corporate applicant
7 for a money transmitter license; and
8 (B) The executive officers, key shareholders, and
9 managers in charge of a money transmitter's
10 " activities of every corporate applicant for a
11 money transmitter license,
12 as provided by sections 489D-9 and 489D-15;
- 13 (29) The department of commerce and consumer affairs on
14 applicants for licensure and persons licensed under
15 title 24;
- 16 (30) The Hawaii health systems corporation on:
17 (A) Employees;
18 (B) Applicants seeking employment;
19 (C) Current or prospective members of the corporation
20 board or regional system board; or
21 (D) Current or prospective volunteers, providers, or



- 1 contractors,
- 2 in any of the corporation's health facilities as
- 3 provided by section 323F-5.5;
- 4 (31) The department of commerce and consumer affairs on:
- 5 (A) An applicant for a mortgage loan originator
- 6 license; and
- 7 (B) Each control person, executive officer, director,
- 8 general partner, and manager of an applicant for
- 9 a mortgage loan originator company license,
- 10 as provided by chapter 454F;
- 11 (32) The state public charter school commission or public
- 12 charter schools on employees, teacher trainees,
- 13 prospective employees, and prospective teacher
- 14 trainees in any public charter school for any position
- 15 that places them in close proximity to children, as
- 16 provided in section 302D-33;
- 17 (33) The counties on prospective employees who work with
- 18 children, vulnerable adults, or senior citizens in
- 19 community-based programs;



- 1 (34) The counties on prospective employees for fire
2 department positions which involve contact with
3 children or vulnerable adults;
- 4 (35) The counties on prospective employees for emergency
5 medical services positions which involve contact with
6 children or vulnerable adults;
- 7 (36) The counties on prospective employees for emergency
8 management positions and community volunteers whose
9 responsibilities involve planning and executing
10 homeland security measures including viewing,
11 handling, and engaging in law enforcement or
12 classified meetings and assisting vulnerable citizens
13 during emergencies or crises;
- 14 (37) The State and counties on employees, prospective
15 employees, volunteers, and contractors whose position
16 responsibilities require unescorted access to secured
17 areas and equipment related to a traffic management
18 center;
- 19 (38) The State and counties on employees and prospective
20 employees whose positions involve the handling or use
21 of firearms for other than law enforcement purposes;



- 1 (39) The State and counties on current and prospective
2 systems analysts and others involved in an agency's
3 information technology operation whose position
4 responsibilities provide them with access to
5 proprietary, confidential, or sensitive information;
- 6 (40) The department of commerce and consumer affairs on
7 applicants for real estate appraiser licensure or
8 certification as provided by chapter 466K;
- 9 (41) The department of health or its designee on all
10 license applicants, licensees, employees, contractors,
11 and prospective employees of medical marijuana
12 dispensaries, and individuals permitted to enter and
13 remain in medical marijuana dispensary facilities as
14 provided under sections 329D-15(a)(4) and
15 329D-16(a)(3); [and]
- 16 (42) The county police departments for conducting
17 background checks on applicants for permits to acquire
18 firearms pursuant to section 134-2; and
- 19 ~~[(42)]~~ (43) Any other organization, entity, or the State, its
20 branches, political subdivisions, or agencies as may
21 be authorized by state law."



H.B. NO. 2629

1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

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

6 SECTION 5. This Act shall take effect upon its approval.

7

INTRODUCED BY: George Palko

JAN 27 2016



H.B. NO. 2629

Report Title:

Criminal History Record Checks; Police; Permits to Acquire Firearms; Rapback System

Description:

Authorizes county police departments to enroll firearms applicants into a criminal record monitoring service used to alert police when an owner of a firearm is arrested for a criminal offense anywhere in the country.

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