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# 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 and  
15 individuals who are registering their firearms into the rap back  
16 system.



1 SECTION 2. 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 its designee on operators  
5 of adult foster homes for individuals with  
6 developmental disabilities or developmental  
7 disabilities domiciliary homes and their employees, as  
8 provided by section 321-15.2;

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

15 (3) The department of health or its designee on all  
16 applicants for licensure or certification for,  
17 operators for, prospective employees, adult  
18 volunteers, and all adults, except adults in care, at  
19 health care facilities as defined in section 321-15.2;

20 (4) The department of education on employees, prospective  
21 employees, and teacher trainees in any public school



- 1 in positions that necessitate close proximity to  
2 children as provided by section 302A-601.5;
- 3 (5) The counties on employees and prospective employees  
4 who may be in positions that place them in close  
5 proximity to children in recreation or child care  
6 programs and services;
- 7 (6) The county liquor commissions on applicants for liquor  
8 licenses as provided by section 281-53.5;
- 9 (7) The county liquor commissions on employees and  
10 prospective employees involved in liquor  
11 administration, law enforcement, and liquor control  
12 investigations;
- 13 (8) The department of human services on operators and  
14 employees of child caring institutions, child placing  
15 organizations, and foster boarding homes as provided  
16 by section 346-17;
- 17 (9) The department of human services on prospective  
18 adoptive parents as established under section  
19 346-19.7;
- 20 (10) The department of human services on applicants to  
21 operate child care facilities, prospective employees



- 1 of the applicant, and new employees of the provider  
2 after registration or licensure as provided by section  
3 346-154;
- 4 (11) The department of human services on persons exempt  
5 pursuant to section 346-152 to be eligible to provide  
6 child care and receive child care subsidies as  
7 provided by section 346-152.5;
- 8 (12) The department of health on operators and employees of  
9 home and community-based case management agencies and  
10 operators and other adults, except for adults in care,  
11 residing in community care foster family homes as  
12 provided by section 321-15.2;
- 13 (13) The department of human services on staff members of  
14 the Hawaii youth correctional facility as provided by  
15 section 352-5.5;
- 16 (14) The department of human services on employees,  
17 prospective employees, and volunteers of contracted  
18 providers and subcontractors in positions that place  
19 them in close proximity to youth when providing  
20 services on behalf of the office or the Hawaii youth  
21 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 on individuals
- 19          registering their firearms pursuant to section 134-3;
- 20          and



1        [~~(42)~~] (43) Any other organization, entity, or the State, its  
2                    branches, political subdivisions, or agencies as may  
3                    be authorized by state law."

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

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

9            SECTION 5. This Act shall take effect on July 1, 2050.



**Report Title:**

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

**Description:**

Authorizes county police departments to enroll firearms applicants and individuals who are registering their firearms 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. (HB2629 HD1)

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