

Honolulu, Hawaii  
March 4, 2016

RE: H.B. No. 2340  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2340 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Human Services to conduct with or without consent and upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm, a criminal history record check of the alleged perpetrator and all adults living in the family home.

The Department of Human Services, Family Programs Hawaii, Kapiolani Child Protection Center, and Hawaii Association for the Education of Young Children testified in support.

Your Committee recognizes that the Department of Human Services (Department) needs to conduct a thorough assessment when allegations of abuse or threatened abuse prove credible. However, your Committee is concerned that the authority to conduct criminal history background checks on all persons in the household where the child resides is subject to potential abuse. Your Committee believes that reasonable suspicion must exist before a criminal history background check is warranted.



Accordingly, your Committee has amended this measure to address these concerns by permitting the Department to conduct the subject background checks when an assessment is required. The amendments are intended to make clear that the Legislature does not intend to give carte blanche authority to the Department to run criminal background checks as a matter of routine.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2340, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2340, H.D. 1.

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



---

KARL RHOADS, Chair



