

STAND. COM. REP. NO.

516

Honolulu, Hawaii

FEB 17 2017

RE: S.B. No. 897  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Human Services, to which was referred S.B. No. 897 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS,"

beg leave to report as follows:

The purpose and intent of this measure is to add the Child Support Enforcement Agency and the Departments of Taxation, Human Services, and Labor and Industrial Relations to the list of agencies that are authorized to conduct criminal history record checks of employees, prospective employees, and contractors, if applicable, who have access to federal tax information.

Your Committees received testimony in support of this measure from the Department of the Attorney General, Department of Human Services, Department of Labor and Industrial Relations, and Department of Taxation.

Your Committees find that the Internal Revenue Service recently mandated that all agencies receiving federal tax information perform criminal history record checks, including a Federal Bureau of Investigation fingerprint search, of all employees, employee applicants, and contractors who have access to federal tax information. This measure allows the Child Support Enforcement Agency and the Departments of Taxation, Human



Services, and Labor and Industrial Relations to comply with federal requirements and continue to perform their core functions.

Your Committees have amended this measure by:

- (1) Deleting references to contractors in relation to criminal history records checks of persons who are employed or seeking employment with the Department of Human Services and Department of Labor and Industrial Relations to avoid conflict with federal laws that prohibit contractors from accessing federal tax information;
- (2) Amending the language regarding the termination or denial of employment as a result of a criminal history record check, notification requirements, and opportunity to respond to findings of the Departments of Taxation, Human Services, and Labor and Industrial Relations and Child Support Enforcement Agency for purposes of consistency;
- (3) Adding a conforming amendment to section 831-3.1, Hawaii Revised Statutes, to provide an exemption for any denials or termination of employment as an employee, employee applicant, or employee or agent of a contractor, if applicable, of the Departments of Taxation, Human Services, or Labor and Industrial Relations, or the Child Support Enforcement Agency;
- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) 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 Judiciary and Labor and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 897, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 897, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Human Services,

*Josh Green*

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JOSH GREEN, Chair

*Gilbert S.C. Keith-AGARAN*

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GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

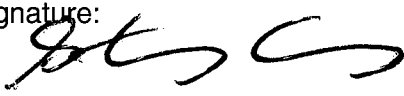
**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 897</b>	Committee Referral: <b>JDL/HMS, WAM</b>	Date: <b>2/14/17</b>		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
<b>Distribution:</b> 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-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 897	JDL/HMS, WAM	2/15/17		
<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
GREEN, Josh (C)	✓			
CHANG, Stanley (VC)	✓			
HARIMOTO, Breene	✓			
TOKUDA, Jill N.				✓
WAKAI, Glenn				✓
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> <span style="margin-left: 40px;">Original</span> <span style="margin-left: 100px;">Yellow</span> <span style="margin-left: 100px;">Pink</span> <span style="margin-left: 100px;">Goldenrod</span> <span style="margin-left: 40px;">File with Committee Report</span> <span style="margin-left: 100px;">Clerk's Office</span> <span style="margin-left: 100px;">Drafting Agency</span> <span style="margin-left: 100px;">Committee File Copy</span>				

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