

STAND. COM. REP. NO. **1270**-20

Honolulu, Hawaii

JUL 02, 2020

RE: S.B. No. 2193
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2193, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION,"

begs leave to report as follows:

The purpose of this measure is to reduce the number of years that an employer is authorized to inquire about an employee's or prospective employee's criminal history when they have been convicted of a felony or misdemeanor.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Department of Human Resources Development; Drug Policy Forum of Hawaii; LGBT Caucus of the Democratic Party of Hawaii; Kauai Women's Caucus; Common Cause Hawaii; Hawaii Friends of Restorative Justice; ACLU Smart Justice; We Are One, Inc.; American Civil Liberties Union of Hawaii; LGBT Student Services, UH Manoa; Pride at Work - Hawaii; Young Progressives Demanding Action; Hawaii Health & Harm Reduction Center; and numerous individuals. Your Committee received testimony in opposition to this measure from the Retail Merchants of Hawaii and Society for Human Resource Management Hawaii. Your Committee received comments on this measure from the Hawaii Civil Rights Commission, Hawaiian Affairs Caucus of the Democratic Party

SB2193 HD2 HSCR JUD HMS 2020-2161



of Hawaii, Chamber of Commerce Hawaii, and Community Alliance on Prisons.

Your Committee finds that existing law allows employers to inquire into the criminal history of existing employee's and consider the conviction records of prospective employees for the most recent ten years. Your Committee further finds that the stigma and bias of a criminal record can negatively affect an individual's ability to find employment, even for those who have demonstrated years of lawful behavior. Your Committee also finds that reducing the ten-year "lookback" period will broaden opportunities for formerly incarcerated individuals to obtain employment that, in turn, will better enable them to obtain and maintain housing and health care, support themselves and their families, and integrate back into the community as productive citizens.

Your Committee has amended this measure by:

- (1) Changing its effective date to upon approval; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 S.B. No. 2193, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2193, H.D. 2.

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


CHRIS LEE, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2193, HD1	Committee Referral: LAB, JUD	Date: JUNE 29, 2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.	/			
9. SAY, Calvin K.Y.				/
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.	/			
12. THIELEN, Cynthia	/			
TOTAL (12)	10			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				