

STAND. COM. REP. NO. 2447

Honolulu, Hawaii

**FEB 17 2022**

RE: S.B. No. 3112  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 3112 entitled:

"A BILL FOR AN ACT RELATING TO BACKGROUND CHECKS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Authorize the Department of Human Services to conduct comprehensive background checks on current and prospective employees, volunteers, and contractors, and a contractor's employees, agents, or volunteers, in positions that require them to be in close proximity to minors, young adults, or vulnerable adults who are receiving child welfare services, social services, or other benefits and services from the Department of Human Services intended to prevent abuse or neglect or assist youth aging out of foster care with obtaining and maintaining independent living skills; and
- (2) Replace the term "foster boarding home" in section 846-2.7(b)(8), Hawaii Revised Statutes, with "resource family homes" to conform to Act 133, Session Laws of Hawaii 2016.



Your Committee received testimony in support of this measure from the Department of Human Services and Department of Human Resources Development.

Your Committee finds that the current pre-employment background clearance process for the Department of Human Services includes a name-based state criminal history record check, which relies on prospective hires to voluntarily report any convictions that occurred outside of Hawaii. This measure will allow the Department of Human Services to obtain information directly from the Federal Bureau of Investigations and the Hawaii Criminal Justice Data Center, and conduct comprehensive national and state fingerprint-based criminal history record checks of prospective personnel and post-employment periodic rechecks of current personnel. This measure is necessary to provide proper background checks for persons placed or currently in positions that require them to be in close proximity to certain minors, young adults, and vulnerable adults.

Your Committee also finds that Act 133, Session Laws of Hawaii 2016, brought the State into compliance with the Preventing Sex Trafficking and Strengthening Families Act of 2014, P.L. 113-183, including replacing the term "foster boarding home" in sections 346-16 and 346-17, Hawaii Revised Statutes, with "resource family homes". This measure will also amend section 846-2.7(b)(8), Hawaii Revised Statutes, to conform to Act 133.

Your Committee notes the testimony of the Department of Human Services, stating that the additional background checks provided in this measure will impact the workload of the Department's staff and the Hawaii Criminal Justice Data Center, and may cause delays in the Department's hiring of new employees.

Your Committee further notes that the term "foster boarding home" in sections 321-11.2(d) and 571-32.1, Hawaii Revised Statutes, will also need to be changed to "resource family homes" to conform to Act 133.

Accordingly, your Committee has amended this measure by:

- (1) Replacing "foster boarding homes" in sections 321-11.2(d) and 571-32.1, Hawaii Revised Statutes, with

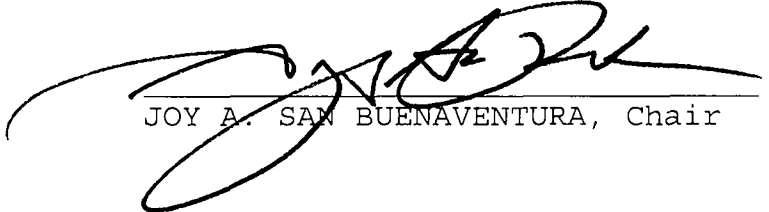


"resource family homes", to conform to Act 133, Session Laws of Hawaii 2016;

- (2) Inserting an effective date of December 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3112, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3112, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,



JOY A. SAN BUENAVENTURA, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>SB 3112</b>	Committee Referral: <b>HMS, JDC</b>	Date: <b>02/10/2022</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura	✓			
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>

Recommendation:      Adopted      Not Adopted

Chair's or Designee's Signature:

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\*Only one measure per Record of Votes