

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 777
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Health and Human Services and Labor and Technology, to which was referred H.B. No. 777, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to authorize the Department of Human Services to conduct background checks for current and prospective employees, volunteers, contractors, contractors' employees and volunteers, subcontractors, and subcontractors' employees and volunteers, who are in positions that require close proximity to certain minors, young adults, or vulnerable adults.

Your Committees received testimony in support of this measure from the Department of Human Services, Disability and Communication Access Board, and six individuals. Your Committees received comments on this measure from the Hawai'i Civil Rights Commission.

Your Committees find that under existing State employment practices, background checks for prospective employees consist of searching the State of Hawaii name-based criminal history record check. This method relies on prospective new hires to self-report any convictions outside of the State. Authorizing the Department of Human Services to conduct comprehensive national and State



fingerprint-based criminal history record checks and periodic, subsequent checks will allow the Department to obtain information directly from the Federal Bureau of Investigations and the Hawaii Criminal Justice Data Center. This measure will further ensure the health, safety, and well-being of minors, young adults, and vulnerable adults receiving child welfare, child protective services, extended foster care and higher education supports, social services, and adult protective or community services from the Department of Human services.

Your Committees acknowledge the concerns raised in testimony that this measure's technical renumbering of the paragraphs in sections 378-2.5(d) and 846-2.7(b), Hawaii Revised Statutes, will have substantive unintended impacts, as the state departments often base administrative rules or other policies and procedures on the existing paragraph numbers. Therefore, amendments to this measure are necessary to address these concerns.

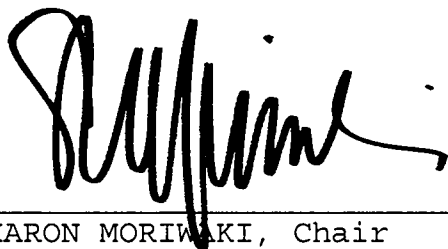
Accordingly, your Committees have amended this measure by:

- (1) Deleting technical amendments that would have renumbered and reordered the paragraphs in sections 378-2.5(d) and 846-2.7(b), Hawaii Revised Statutes;
- (2) Inserting an effective date of June 30, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

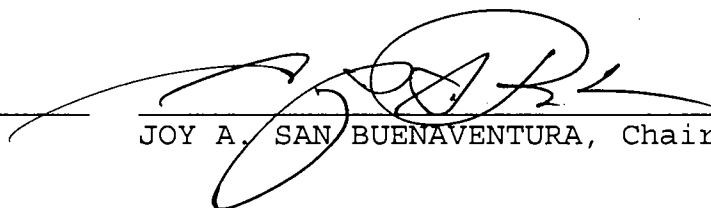
As affirmed by the records of votes of the members of your Committees on Health and Human Services and Labor and Technology that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 777, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 777, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.



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



SHARON MORIWAKI, Chair



JOY A. SAN BUENAVENTURA, Chair



