

ACT 325

H.B. NO. 239

A Bill for an Act Relating to Criminal Data.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 846, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§846- Employees of cooperative housing corporations and condominiums; background check.** The board of directors of a cooperative housing corporation or of an association of apartment owners, or the manager of a cooperative housing project or a condominium project, upon the written authorization of an applicant for employment as security guard or manager or for a position that would allow the employee access to the keys of or entry into the units in the project or access to corporation or association funds, may conduct a background check on the applicant or direct another responsible party to conduct the check. Before initiating or requesting a check, the board of directors or the manager first shall certify that the signature on the authorization is authentic and that the person is an applicant for employment. The background check, at a minimum, shall require the applicant to disclose whether:

- (1) The applicant has been convicted in any jurisdiction of a crime that would tend to indicate the applicant may be unsuited for employment as an employee with access to corporation funds or association funds or the keys of or entry into the units in the project; and
- (2) The judgment of conviction has not been vacated.

For the purpose of this section, the criminal history disclosure made by the applicant may be verified by the board of directors, manager, or other responsible party, if so directed by the board or the manager, by means of information obtained through the data center. The board or manager may conduct a criminal history record check directly through the Hawaii criminal justice data center. The applicant shall provide the Hawaii criminal justice data center with personal identifying information which shall include, at a minimum, the applicant's name, social security number, date of birth, and sex. This information shall be secured only for the purpose of conducting the criminal history record check authorized by this section. Failure of a cooperative housing corporation or the manager or an association of apartment owners or the manager, to conduct or verify or cause to have conducted or verified a background check shall not alone give rise to any private cause of action against the corporation, association, or manager for acts and omissions of the employee hired.”

SECTION 2. New statutory material is underscored.<sup>1</sup>

SECTION 3. This Act shall take effect upon its approval.

(Approved June 15, 1989.)

**Note**

1. Edited pursuant to HRS §23G-16.5.