

Honolulu, Hawaii

MAR 20 2012

RE: H.B. No. 1765
H.D. 2
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committees on Public Safety, Government Operations, and Military Affairs and Human Services, to which was referred H.B. No. 1765, H.D. 2, entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the conducting of criminal history checks by county liquor commissions on prospective liquor commission employees, and by counties on employees working with vulnerable adults or seniors; employees for fire and emergency medical services; and emergency management employees.

Your Committees received testimony in support of this measure from the Department of Labor and Industrial Relations, the Department of Human Resources of the City and County of Honolulu, the Department of Fire and Public Safety of the County of Maui, and the Hawai'i Civil Rights Commission.

Your Committees find that with the elimination of residency requirements and the current influx of out-of-state individuals applying for civil service jobs in Hawaii, the counties do not have an effective means of conducting a thorough background check, including reviewing prospective employees' convictions that occurred outside of the State.



Your Committees note the concern of opponents to similar measures that this measure will result in overly broad exceptions to the requirements and limitations imposed on employer inquiries into and consideration of records of conviction under section 378-2.5(b) and (c), Hawaii Revised Statutes. However, your Committees conclude that this measure allows county agencies to conduct criminal history record checks on prospective employees without eroding arrest and court record protections.

Your Committees have amended this measure by changing the effective date to upon approval.

As affirmed by the records of votes of the members of your Committees on Public Safety, Government Operations, and Military Affairs and Human Services that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1765, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1765, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Government Operations, and
Military Affairs and Human
Services,

Suzanne Chun Oakland

SUZANNE CHUN OAKLAND, Chair

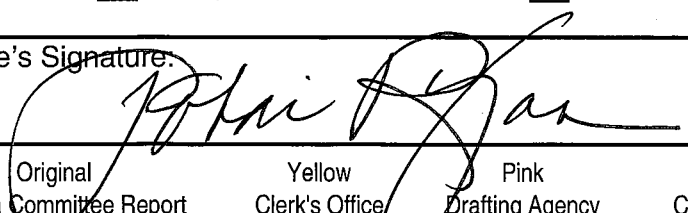
Will Espero

WILL ESPERO, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Government Operations, and
Military Affairs
PGM

Bill / Resolution No.:* HB 1765, HD2	Committee Referral: PGM/HMS, JDL	Date: 3/13/12		
<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
ESPERO, Will (C)	✓			
KIDANI, Michelle N. (VC)				1
BAKER, Rosalyn H.	✓			
RYAN, Pohai	✓			
SLOM, Sam	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: 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-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* HB 1765, HD2	Committee Referral: P6m/HMS, JDL	Date: 3-13-12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
IHARA, Jr., Les (VC)	✓			
GREEN, M.D., Josh				✓
SLOM, Sam	✓			
TOTAL	3	0	0	1
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: x-small;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes