

Honolulu, Hawaii , 2016

RE: H.B. No. 2340 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2340 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORDS CHECKS UNDER THE CHILD PROTECTIVE ACT,"

begs leave to report as follows:

The purpose of this measure is to authorize the Department of Human Services to conduct with or without consent and upon receiving a report that a child is subject to imminent harm, has been harmed, or is subject to threatened harm, a criminal history record check of the alleged perpetrator and all adults living in the family home.

The Department of Human Services, Family Programs Hawaii, Kapiolani Child Protection Center, and Hawaii Association for the Education of Young Children testified in support.

Your Committee recognizes that the Department of Human Services (Department) needs to conduct a thorough assessment when allegations of abuse or threatened abuse prove credible. However, your Committee is concerned that the authority to conduct criminal history background checks on all persons in the household where the child resides is subject to potential abuse. Your Committee believes that reasonable suspicion must exist before a criminal history background check is warranted.



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Accordingly, your Committee has amended this measure to address these concerns by permitting the Department to conduct the subject background checks when an assessment is required. The amendments are intended to make clear that the Legislature does not intend to give carte blanche authority to the Department to run criminal background checks as a matter of routine.

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 H.B. No. 2340, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2340, H.D. 1.

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

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 990-16

Record of Votes of the Committee on Judiciary

	nittee Referral: 49, JHD	Date:	Date: 03/03/16		
□ The committee is reconsidering its previous dea	cision on the measure.				
The recommendation is to:DPass, unamenDPass short for	ided (as is) I Pa m bill with HD to reco	ss, with amendments (mmit for future public			
JUD Members	Ayes	Ayes (WR)	Nays	Excused	
1. RHOADS, Karl (C)					
2. SAN BUENAVENTURA, Joy A. (VC)	/				
3. BELATTI, Della Au					
4. BROWER, Tom					
5. CREAGAN, Richard P.					
6. HASHEM, Mark J.					
7. KAWAKAMI, Derek S.K.					
8. LEE, Chris					
9. MORIKAWA, Dee					
10. NAKASHIMA, Mark M.					
11. TAKAYAMA, Gregg	/				
12. WOODSON, Justin H.					
13. McDERMOTT, Bob					
14. THIELEN, Cynthia					
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TOTAL (14)	14			· · · · · · · · · · · · · · · · · · ·	
The recommendation is: Adopted If joint referral,	Not Adop committee acronym	did not suppor	t recommendatio	n.	
Vice Chair's or designee's signature:	J-z-	4. Z-			
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