STAND. COM. REP. NO. 313

Honolulu, Hawaii

FEB 2 8 2020

RE: S.B. No. 2193

Honorable Ronald D. Kouchi President of the Senate Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2193 entitled:

"A BILL FOR AN ACT RELATING TO EMPLOYMENT DISCRIMINATION,"

begs leave to report as follows:

The purpose and intent of this measure is to limit the convictions that may be used in employment decisions from all convictions in the most recent ten years to felony convictions that occurred in the most recent five years and misdemeanor convictions that occurred in the most recent three years.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs, Department of Human Resources Development, Hawai'i Civil Rights Commission, Office of the Prosecuting Attorney of the County of Kaua'i, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Hawaii Justice Coalition, and eight individuals. Your Committee received comments on this measure from a member of the Chamber of Commerce Hawaii and one individual.

Your Committee finds that existing law provides employers with the ability to inquire about and consider the conviction records of prospective employees for a period extending ten years into the past. This measure shortens this "lookback period" so that people with conviction records who have paid their dues to society will not continue to struggle to find work. Your Committee also finds that a simple comparison of recidivism rates indicates that formerly incarcerated people who do not obtain jobs with a wage that meets their basic needs risk reoffending at a significantly higher rate that those who find work. Therefore, your Committee concludes that the current ten-year lookback period should be shortened to reduce employment bias against those with old and relatively minor conviction records to promote their economic self-sufficiency and to reduce recidivism rates.

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 S.B. No. 2193 and recommends that it pass Third Reading.

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

KARL RHOADS, Chair

## The Senate Thirtieth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

| Bill / Resolution No.:*  5B 2193  | Committee Referral: Date: 2/24/2020 |     |             | 2070 |         |
|---|-------------------------------------|-----|-------------|------|---------|
| The Committee is reconsidering its previous decision on this measure.   |                                     |     |             |      |         |
| If so, then the previous decision was to:                               |                                     |     |             |      |         |
| The Recommendation is:  |                                     |     |             |      |         |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313 |                                     |     |             |      |         |
| Members   |                                     | Aye | Aye (WR)    | Nay  | Excused |
| RHOADS, Karl (C)  |                                     |     |             |      |         |
| KEOHOKALOLE, Jarrett (VC)   |                                     |     |             |      |         |
| GABBARD, Mike   |                                     |     |             |      |         |
| KIM, Donna Mercado  |                                     |     |             |      |         |
| FEVELLA, Kurt   |                                     |     | /           |      |         |
|   |                                     |     | -           |      |         |
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| TOTAL   |                                     | 2   | 2           |      |         |
| Recommendation:  Adopted Not A  |                                     |     | lot Adopted |      |         |
| Chair's or Designee's Signature:  |                                     |     |             |      |         |
| Distribution: Original File with Committee Re                           |                                     |     |             |      |         |

\*Only one measure per Record of Votes