

ACT 297

H.B. NO. 2219-86

A Bill for an Act Relating to Children's Facilities.

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

SECTION 1. Section 346-16, Hawaii Revised Statutes, is amended by amending the definition of "criminal history record check" in subsection (a) to read as follows:

" "Criminal history record check" means an examination of an individual's criminal history record [by means of] through:

- (1) An initial fingerprint analysis [or] and name inquiry into state and national criminal history record files[.];
- (2) Subsequent fingerprint analyses for new hires and rehires; and
- (3) An annual name inquiry into the state criminal history record files.”

SECTION 2. Section 346-151, Hawaii Revised Statutes, is amended by amending the definition of “criminal history record check” to read as follows:

““Criminal history record check” means an examination of an individual’s criminal history record through:

- (1) An initial fingerprint analysis [or] and name inquiry into state and national criminal history record files[.];
- (2) Subsequent fingerprint analyses for new hires and rehires; and
- (3) An annual name inquiry into the state criminal history record files.”

SECTION 3. Section 346-154, Hawaii Revised Statutes, is amended to read as follows:

“[[§346-154[]] **Criminal history record checks.** (a) The department shall develop standards to assure the reputable and responsible character of an applicant to operate a child care facility, prospective employees of the applicant, and new employees of the provider after registration or licensure, which shall include, but not be limited to, criminal history record checks.

(b) An applicant to operate a child care facility shall submit to the department statements signed under penalty of perjury by the applicant and prospective employees of the applicant indicating whether the applicant or any of the prospective employees has ever been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and providing consent to the department to conduct a criminal history record check and to obtain criminal history record information for verification. The applicant and prospective employee of the applicant shall [also] be fingerprinted[.] for the purpose of complying with the criminal history record check.

A provider shall submit to the department a statement signed under penalty of perjury by any employee hired after the initial licensure or registration indicating whether the employee has ever been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and providing consent to the department to conduct a criminal history record check and obtain criminal history record information for verification. The employee shall [also] be fingerprinted[.] for the purpose of complying with the criminal history record check.

(c) The department shall obtain criminal history record information through the Hawaii criminal justice data center on the applicant and any prospective employee of the applicant, including any new employee after the applicant is issued a registration or license under this part. The Hawaii criminal justice data center may assess the applicant, prospective employee, or new employee a reasonable fee for each criminal history record check conducted. The information obtained shall be used exclusively for the stated purpose for which it was obtained and shall be subject to applicable federal laws and regulations.

(d) The department may deny an application for a license or registration to operate a child care facility if the applicant or any prospective employee has been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and if the department finds that the criminal

history record of that applicant or prospective employee may pose a risk to the health, safety, or well-being of children.

The department may request the provider to terminate the employment of a new employee or may suspend the license or registration of the provider who employs a new employee if the employee has been convicted of a crime other than a minor traffic violation involving a fine of \$50 or less and if the department finds that the criminal history record of the new employee may pose a risk to the health, safety, or well-being of children."

SECTION 4. Section 352-1, Hawaii Revised Statutes, is amended by amending the definition of "criminal history record check" to read as follows:

"Criminal history record check" means an examination of an individual's criminal history record [by means of] through:

- (1) An initial fingerprint analysis [or] and name inquiry into state and national criminal history record files[.];
- (2) Subsequent fingerprint analyses for new hires and rehires; and
- (3) An annual name inquiry into the state criminal history record files."

SECTION 5. Section 571-2, Hawaii Revised Statutes, is amended by amending the definition of "criminal history record check" to read as follows:

"Criminal history record check" means an examination of an individual's criminal history record [by means of] through:

- (1) An initial fingerprint analysis [or] and name inquiry into state and national criminal history record files[.];
- (2) Subsequent fingerprint analyses for new hires and rehires; and
- (3) An annual name inquiry into the state criminal history record files."

SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of \$60,000, or so much thereof as may be necessary for fiscal year 1986-87, for personnel and operating expenses for the Hawaii criminal justice data center and for the purchase of a vehicle for the data center to fulfill the purposes of this Act, \$5,200 of which is for reimbursement to the counties for processing fingerprints.

SECTION 7. The sum appropriated shall be expended by the department of the attorney general for the purposes of this Act.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 1986.

(Approved May 30, 1986.)