

Honolulu, Hawaii

(January 29), 2014

RE: H.B. No. 1975  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1975 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow the counties to perform criminal history record checks on certain employees, prospective employees, volunteers, and contractors:
  - (A) Who work with children in community based programs;
  - (B) Whose positions involve the handling or use of firearms for other than law enforcement purposes;  
or
  - (C) Who are involved in an agency's information technology operations in positions with responsibilities that provide them with access to confidential information;
- (2) Allow the State and counties to perform criminal history record checks on certain employees, prospective employees, volunteers, and contractors whose position responsibilities require unescorted access to secured



areas and equipment related to a traffic management center;

- (3) Clarify that the counties may perform criminal history record checks on prospective employees for fire department and emergency medical service positions that involve contact with vulnerable rather than dependent adults; and
- (4) Exempt, for purposes of criminal background checks, positions related to traffic management centers, firearms, and information technology operations, as described above, from conditional job offer requirements and time period restrictions.

The Department of Human Resources Development, City and County of Honolulu Department of Human Resources, Honolulu Police Department, City and County of Honolulu Emergency Services Department, and City and County of Honolulu Department of Transportation Services testified in support of this measure. The Hawaii Civil Rights Commission provided comments on this measure.

Your Committee has amended this measure by retaining only the proposed addition of county positions involving the handling or use of firearms for other than law enforcement purposes, to the exemption that allows inquiry and consideration of a prospective employee's conviction record without meeting the conditional job offer requirement and without restricting the inquiry to a ten-year look back period.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1975, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1975, H.D. 1, and be referred to the Committee on Judiciary.



Respectfully submitted on  
behalf of the members of the  
Committee on Labor & Public  
Employment,



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MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Twenty-seventh Legislature

**HSCR 20-14**

**Record of Votes of the Committee on Labor & Public Employment**

Bill/Resolution No.: <b>HB 1975</b>	Committee Referral: <b>LAB, JUD</b>	Date: <b>1-24-14</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
LAB Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	/			
2. YAMASHITA, Kyle T. (VC)	/			
3. AQUINO, Henry J.C.	/			
4. HAR, Sharon E.				/
5. ICHIYAMA, Linda	/			
6. TAKAYAMA, Gregg	/			
7. ING, Kaniela				/
8. TAKUMI, Roy M.				/
9. YAMANE, Ryan I.	/			
10. YAMASHITA, Kyle T.				
11. JOHANSON, Aaron Ling	/			
<b>TOTAL (11)</b>	<b>7</b>	<b>—</b>	<b>—</b>	<b>3</b>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
<b>Distribution:</b> Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				