

Honolulu, Hawaii

FEB 13 , 2020

RE: H.B. No. 1782

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.B. No. 1782 entitled:

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

begs leave to report as follows:

The purpose of this measure is to limit the convictions that may be used in employment decisions regarding employer inquiries into an individual's criminal conviction record for hiring, termination, or other employment conditions, by allowing the employer to inquire and consider a prospective employee's conviction record for:

- (1) Felony convictions that occurred within the most recent five years; and
- (2) Misdemeanor convictions that occurred within the most recent three years,

rather than convictions that occurred within the most recent ten years, excluding periods of incarceration.

Your Committee received testimony in support of this measure from the Office of Hawaiian Affairs; Hawaii Civil Rights Commission; Hawaii State Commission on the Status of Women; 'Ahahui o Hawai'i Advocates for Native Hawaiian Justice at the William S.



Richardson School of Law; Community Alliance on Prisons; International Longshore and Warehouse Union; American Civil Liberties Union of Hawaii; Habilitat, Inc.; Pride at Work - Hawaii; Hawaiian Affairs Caucus of the Democratic Party of Hawaii; and numerous individuals. Your Committee received comments on this measure from the Department of Human Resources Development.

Your Committee finds that the stigma and bias of a criminal record can hinder the ability of an individual to find employment and may inhibit even those who have demonstrated years of lawful behavior from obtaining or maintaining a job. Your Committee further finds that reducing the ten-year lookback period will broaden opportunities for formerly incarcerated individuals to obtain employment that in turn will better enable them to obtain housing and health care, support themselves and their families, and integrate back into the community as productive citizens.

Your Committee recognizes that reducing the ten-year lookback time period for convictions to five years for felony convictions and three years for misdemeanor convictions will support the employment prospects of those with a criminal history and aid in the individual's rehabilitation and training. However, at its public hearing, your Committee noted the Department of Human Resources Development's testimony that the industry standard is a seven-year lookback.

Upon consideration, your Committee has amended this measure by:

- (1) Making the number of years unspecified with respect to limitations on employers' allowable inquiries into prospective employees' conviction records for felony convictions and misdemeanor convictions;
- (2) Changing its effective date to January 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 1782, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 1782, H.D. 1, and be referred to your Committee on Judiciary.

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



AARON LING JOHANSON, Chair



