

Honolulu, Hawaii  
, 2020

JUN 24.

RE: S.B. No. 2193  
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 S.B. No. 2193 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 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, Hawaii Civil Rights Commission, Hawaii State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kauai, Hawaii Health & Harm Reduction Center, American Civil Liberties Union of Hawaii, Hawaii Justice Coalition, Common Cause Hawaii, Community Alliance on Prisons, 'Ahahui o Hawai'i Advocates for Native Hawaiian Justice at the William S. Richardson School of Law at the University of Hawaii at Manoa, and numerous individuals. Your Committee received testimony in opposition to this measure from the Society for Human Resource Management Hawaii. Your Committee received comments on this measure from the Department of Human Resources Development, Chamber of Commerce Hawaii, and an individual.



Your Committee finds that existing law allows employers to inquire about and consider the conviction records of prospective employees for a period up to the most recent ten years. Your Committee further finds that the stigma and bias of a criminal record can negatively affect an individual's ability to find employment, even for those who have demonstrated years of lawful behavior. Your Committee also 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 and maintain housing and health care, support themselves and their families, and integrate back into the community as productive citizens. At the same time however, your Committee does recognize employers' concerns that a "lookback period" of five years for felonies and three years for misdemeanors may not provide enough time for meaningful rehabilitation.

Accordingly, your Committee has amended this measure by:

- (1) Changing the conviction period that may be used in employment decisions:
  - (A) From the most recent five years to the most recent seven years for felony convictions; and
  - (B) From the most recent three years to the most recent five years for misdemeanor convictions;
- (2) Changing the effective date to July 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 S.B. No. 2193, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2193, 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



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

<b>Bill/Resolution No.:</b> <u>SB2193</u>	<b>Committee Referral:</b> <u>LAB, JUD</u>	<b>Date:</b> <u>6/22/20</u>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="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. JOHANSON, Aaron Ling (C)	✓			
2. ELI, Stacelynn K.M. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KITAGAWA, Lisa	✓			
5. McKELVEY, Angus L.K.	✓			
6. QUINLAN, Sean	✓			
7. YAMASHITA, Kyle T.	✓			
8. MATSUMOTO, Lauren	✓			
<b>TOTAL (8)</b>	<u>8</u>			
<b>The recommendation is:</b> <input checked="checked" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
<b>Vice Chair's or designee's signature:</b> _____ <i>Stacelynn K.M. Eli</i>				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				