

STAND. COM. REP. NO.

3239

Honolulu, Hawaii

FEB 28 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 Hawai'i, 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 than 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



