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# A BILL FOR AN ACT

RELATING TO CRIMINAL HISTORY RECORD CHECKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 846-2.7, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) Criminal history record checks may be conducted by:

4           (1) The department of health or its designee on operators  
5           of adult foster homes for individuals with  
6           developmental disabilities or developmental  
7           disabilities domiciliary homes and their employees, as  
8           provided by section 321-15.2;

9           (2) The department of health or its designee on  
10           prospective employees, persons seeking to serve as  
11           providers, or subcontractors in positions that place  
12           them in direct contact with clients when providing  
13           non-witnessed direct mental health or health care  
14           services as provided by section 321-171.5;

15           (3) The department of health or its designee on all  
16           applicants for licensure or certification for,  
17           operators for, prospective employees, adult



- 1 volunteers, and all adults, except adults in care, at  
2 healthcare facilities as defined in section 321-15.2;
- 3 (4) The department of education on employees, prospective  
4 employees, and teacher trainees in any public school  
5 in positions that necessitate close proximity to  
6 children as provided by section 302A-601.5;
- 7 (5) The counties on employees and prospective employees  
8 who may be in positions that place them in close  
9 proximity to children in recreation or child care  
10 programs and services;
- 11 (6) The county liquor commissions on applicants for liquor  
12 licenses as provided by section 281-53.5;
- 13 (7) The county liquor commissions on employees and  
14 prospective employees involved in liquor  
15 administration, law enforcement, and liquor control  
16 investigations;
- 17 (8) The department of human services on operators and  
18 employees of child caring institutions, child placing  
19 organizations, and foster boarding homes as provided  
20 by section 346-17;



- 1           (9) The department of human services on prospective  
2           adoptive parents as established under section 346-  
3           19.7;
- 4           (10) The department of human services or its designee on  
5           applicants to operate child care facilities, household  
6           members of the applicant, prospective employees of the  
7           applicant, and new employees and household members of  
8           the provider after registration or licensure as  
9           provided by section 346-154, and persons subject to  
10          section 346-152.5;
- 11          (11) The department of human services on persons exempt  
12          pursuant to section 346-152 to be eligible to provide  
13          child care and receive child care subsidies as  
14          provided by section 346-152.5;
- 15          (12) The department of health on operators and employees of  
16          home and community-based case management agencies and  
17          operators and other adults, except for adults in care,  
18          residing in community care foster family homes as  
19          provided by section 321-15.2;



- 1 (13) The department of human services on staff members of  
2 the Hawaii youth correctional facility as provided by  
3 section 352-5.5;
- 4 (14) The department of human services on employees,  
5 prospective employees, and volunteers of contracted  
6 providers and subcontractors in positions that place  
7 them in close proximity to youth when providing  
8 services on behalf of the office or the Hawaii youth  
9 correctional facility as provided by section 352D-4.3;
- 10 (15) The judiciary on employees and applicants at detention  
11 and shelter facilities as provided by section 571-34;
- 12 (16) The department of public safety on employees and  
13 prospective employees who are directly involved with  
14 the treatment and care of persons committed to a  
15 correctional facility or who possess police powers  
16 including the power of arrest as provided by section  
17 353C-5;
- 18 (17) The board of private detectives and guards on  
19 applicants for private detective or private guard  
20 licensure as provided by section 463-9;



- 1           (18) Private schools and designated organizations on  
2           employees and prospective employees who may be in  
3           positions that necessitate close proximity to  
4           children; provided that private schools and designated  
5           organizations receive only indications of the states  
6           from which the national criminal history record  
7           information was provided pursuant to section 302C-1;
- 8           (19) The public library system on employees and prospective  
9           employees whose positions place them in close  
10          proximity to children as provided by section 302A-  
11          601.5;
- 12          (20) The State of any of its branches, political  
13          subdivisions, or agencies on applicants and employees  
14          holding a position that has the same type of contact  
15          with children, vulnerable adults, or persons committed  
16          to a correctional facility as other public employees  
17          who hold positions that are authorized by law to  
18          require criminal history record checks as a condition  
19          of employment as provided by section 78-2.7;
- 20          (21) The department of health on licensed adult day care  
21          center operators, employees, new employees,



1 subcontracted service providers and their employees,  
2 and adult volunteers as provided by section 321-15.2;

3 (22) The department of human services on purchase of  
4 service contracted and subcontracted service providers  
5 and their employees serving clients of the adult  
6 protective and community services branch, as provided  
7 by section 346-97;

8 (23) The department of human services on foster grandparent  
9 program, senior companion program, and respite  
10 companion program participants as provided by section  
11 346-97;

12 (24) The department of human services on contracted and  
13 subcontracted service providers and their current and  
14 prospective employees that provide home and community-  
15 based services under section 1915(c) of the Social  
16 Security Act, title 42 United States Code section  
17 1396n(c), or under any other applicable section or  
18 sections of the Social Security Act for the purposes  
19 of providing home and community-based services, as  
20 provided by section 346-97;



- 1           (25) The department of commerce and consumer affairs on  
2           proposed directors and executive officers of a bank,  
3           savings bank, savings and loan association, trust  
4           company, and depository financial services loan  
5           company as provided by section 412:3-201;
- 6           (26) The department of commerce and consumer affairs on  
7           proposed directors and executive officers of a  
8           nondepository financial services loan company as  
9           provided by section 412:3-301;
- 10          (27) The department of commerce and consumer affairs on the  
11          original chartering applicants and proposed executive  
12          officers of a credit union as provided by section  
13          412:10-103;
- 14          (28) The department of commerce and consumer affairs on:
- 15               (A) Each principal of every non-corporate applicant  
16               for a money transmitter license;
- 17               (B) Each person who upon approval of an application  
18               by a corporate applicant for a money transmitter  
19               license will be a principal of the licensee; and
- 20               (C) Each person who upon approval of an application  
21               requesting approval of a proposed change in



- 1 control of licensee will be a principal of the  
2 licensee,  
3 as provided by sections 489D-9 and 489D-15;
- 4 (29) The department of commerce and consumer affairs on  
5 applicants for licensure and persons licensed under  
6 title 24;
- 7 (30) The Hawaii health systems corporation on:
- 8 (A) Employees;
- 9 (B) Applicants seeking employment;
- 10 (C) Current or prospective members of the corporation  
11 board or regional system board; or
- 12 (D) Current or prospective volunteers, providers, or  
13 contractors,  
14 in any of the corporation's health facilities as  
15 provided by section 323F-5.5;
- 16 (31) The department of commerce and consumer affairs on:
- 17 (A) An applicant for a mortgage loan originator  
18 license, or license renewal; and
- 19 (B) Each control person, executive officer, director,  
20 general partner, and managing member of an





1 applicant for a mortgage loan originator company  
2 license or license renewal,  
3 as provided by chapter 454F;

4 (32) The state public charter school commission or public  
5 charter schools on employees, teacher trainees,  
6 prospective employees, and prospective teacher  
7 trainees in any public charter school for any position  
8 that places them in close proximity to children, as  
9 provided in section 302D-33;

10 (33) The counties on prospective employees who work with  
11 children, vulnerable adults, or senior citizens in  
12 community-based programs;

13 (34) The counties on prospective employees for fire  
14 department positions which involve contact with  
15 children or vulnerable adults;

16 (35) The counties on prospective employees for emergency  
17 medical services positions which involve contact with  
18 children or vulnerable adults;

19 (36) The counties on prospective employees for emergency  
20 management positions and community volunteers whose  
21 responsibilities involve planning and executing



1           homeland security measures including viewing,  
2           handling, and engaging in law enforcement or  
3           classified meetings and assisting vulnerable citizens  
4           during emergencies or crises;

5       (37) The State and counties on employees, prospective  
6           employees, volunteers, and contractors whose position  
7           responsibilities require unescorted access to secured  
8           areas and equipment related to a traffic management  
9           center;

10       (38) The State and counties on employees and prospective  
11           employees whose positions involve the handling or use  
12           of firearms for other than law enforcement purposes;

13       (39) The State and counties on current and prospective  
14           systems analysts and others involved in an agency's  
15           information technology operation whose position  
16           responsibilities provide them with access to  
17           proprietary, confidential, or sensitive information;

18       (40) The department of commerce and consumer affairs on:  
19           (A) Applicants for real estate appraiser licensure or  
20           certification as provided by chapter 466K;



1 (B) Each person who owns more than ten per cent of an  
2 appraisal management company who is applying for  
3 registration as an appraisal management company,  
4 as provided by section 466L-7; and

5 (C) Each of the controlling persons of an applicant  
6 for registration as an appraisal management  
7 company, as provided by section 466L-7;

8 (41) The department of health or its designee on all  
9 license applicants, licensees, employees, contractors,  
10 and prospective employees of medical cannabis  
11 dispensaries, and individuals permitted to enter and  
12 remain in medical cannabis dispensary facilities as  
13 provided under sections 329D-15(a)(4) and 329D-  
14 16(a)(3);

15 (42) The department of commerce and consumer affairs on  
16 applicants for nurse licensure or license renewal,  
17 reactivation, or restoration as provided by sections  
18 457-7, 457-8, 457-8.5, and 457-9;

19 (43) The county police departments on applicants for  
20 permits to acquire firearms pursuant to section 134-2



1 and on individuals registering their firearms pursuant  
2 to section 134-3;

3 (44) The department of commerce and consumer affairs on:

4 (A) Each of the controlling persons of the applicant  
5 for licensure as an escrow depository, and each  
6 of the officers, directors, and principals who  
7 will be in charge of the escrow depository's  
8 activities upon licensure; and

9 (B) Each of the controlling persons of an applicant  
10 for proposed change in control of an escrow  
11 depository licensee, and each of the officers,  
12 directors, and principals who will be in charge  
13 of the licensee's activities upon approval of  
14 such application,

15 as provided by chapter 449;

16 (45) The department of taxation on current or prospective  
17 employees or contractors who have access to federal  
18 tax information in order to comply with requirements  
19 of federal law, regulation, or procedure, as provided  
20 by section 231-1.6;



- 1       (46) The department of labor and industrial relations on  
2           current or prospective employees or contractors who  
3           have access to federal tax information in order to  
4           comply with requirements of federal law, regulation,  
5           or procedure, as provided by section 383-110;
- 6       (47) The department of human services on current or  
7           prospective employees or contractors who have access  
8           to federal tax information in order to comply with  
9           requirements of federal law, regulation, or procedure,  
10          as provided by section 346-2.5;
- 11      (48) The child support enforcement agency on current or  
12          prospective employees, or contractors who have access  
13          to federal tax information in order to comply with  
14          federal law, regulation, or procedure, as provided by  
15          section 576D-11.5; [~~and~~]
- 16      (49) The University of Hawaii on current and prospective  
17          employees and contractors whose duties include  
18          ensuring the security of campus facilities and  
19          persons; and



1        [~~49~~] (50) Any other organization, entity, or the State,  
2                    its branches, political subdivisions, or agencies as  
3                    may be authorized by state law."

4            SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6            SECTION 3. This Act shall take effect upon its approval.



**Report Title:**

Criminal History Record Checks; University of Hawaii

**Description:**

Adds the University of Hawaii to the list of agencies that are authorized to conduct criminal history record checks on current or prospective employees, whose positions or duties are related to the security of campus facilities and persons. (SD1)

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