



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KĪWILA O HAWAI‘I**

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Relating to Employment Background Checks

ACT 88 Session laws of Hawai‘i 2023

Effective June 14, 2023

&

ACT 278 Session laws of Hawai‘i 2022

Effective January 1, 2024

On June 14, 2023, Governor Green signed Act 88 (H.B. 777, H.D.2, S.D.2, C.D.1), which amends, in part, the exemption for the Department of Human Services (DHS) in section 378-2.5, HRS, to allow DHS to conduct background checks for current and prospective employees, volunteers, contractors, or subcontractors, for positions that place them or would place them in close proximity with minors, young adults, or vulnerable adults.

Act 88 also clarifies that any state law permitting a more extensive inquiry into an individual’s criminal history for employment purposes by the State and any of its branches, political subdivisions, agencies, or semi-autonomous public bodies will prevail over the limited purposes permitted under section 378-2.5. The purpose of Act 88 is to allow DHS to exercise caution when employing or retaining workers, including volunteers, contractors, and others, whose positions place them in close proximity with vulnerable persons.

Act 278 Session laws of Hawai‘i 2022, which takes effect January 1, 2024 pursuant to section 62 of the Act, amends HRS § 378-2.5(d)(15) and adds a subsection (19) for clarification of exempt agencies to include law enforcement and the department of corrections and rehabilitation pursuant to section 353-D.