
A BILL FOR AN ACT

RELATING TO THE OFFICE OF YOUTH SERVICES.

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

1 SECTION 1. Section 26-14.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-14.6 Department of public safety.** (a) The
4 department of public safety shall be headed by a single
5 executive to be known as the director of public safety.

6 (b) The department of public safety shall be responsible
7 for the formulation and implementation of state policies and
8 objectives for correctional, security, law enforcement, and
9 public safety programs and functions, for the administration and
10 maintenance of all public or private correctional facilities and
11 services, for the service of process, and for the security of
12 state buildings.

13 (c) Effective July 1, 1990, the Hawaii paroling authority
14 and the crime victim compensation commission are placed within
15 the department of public safety for administrative purposes
16 only.

17 (d) Effective July 1, 1990, the functions and authority
18 heretofore exercised by:



- 1 (1) The department of corrections relating to adult
2 corrections and the intake service centers;
- 3 (2) The judiciary relating to the sheriff's office and
4 judiciary security personnel; and
- 5 (3) The department of the attorney general relating to
6 state law enforcement officers and narcotics
7 enforcement investigators with the narcotics
8 enforcement division,
9 shall be transferred to the department of public safety.

10 (e) Effective July 1, 1990, the functions and authority
11 heretofore exercised by the department of health pursuant to
12 chapters 329 and 329C, with the exception of sections 329-2,
13 329-3, and 329-4(3) to (8), shall be transferred to the
14 department of public safety.

15 (f) Effective July 1, 1990, the functions, authority, and
16 obligations, together with the limitations imposed thereon and
17 the privileges and immunities conferred thereby, exercised by a
18 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
19 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
20 under sections 21-8, 47-18, 88-51, 105-4, 134-11, 134-51, 183D-
21 11, 187A-14, 201G-55, 201G-74, 231-25, 281-108, 281-111, 286-52,
22 286-52.5, 321-1, 322-6, 325-9, 325-80, 353-11, 383-71, 438-5,



1 445-37, 482E-4, 485-6, 501-42, 501-171, 501-218, 521-78, 578-4,
2 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8,
3 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51,
4 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34,
5 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall
6 be exercised to the same extent by the department of public
7 safety.

8 (g) Effective January 1, 1993, the functions and authority
9 heretofore exercised by the attorney general and the department
10 of the attorney general relating to the executive security
11 officers shall be transferred to the department of public
12 safety.

13 (h) Effective July 1, 1999, the functions and authority
14 heretofore exercised by the director of public safety and the
15 department of public safety relating to after hours security
16 contracts at department of education facilities, except for the
17 security functions being performed by employees of the public
18 library system as well as the contractual security services for
19 the libraries, shall be transferred to the department of
20 education.

21 (i) Effective January 1, 1993, the functions and authority
22 heretofore exercised by the director of health and the



1 department of health relating to uniformed security employees
2 and security contracts at various state hospitals throughout the
3 State shall be transferred to the department of public safety.
4 Effective July 1, 2005, the functions, authority, and employee
5 positions of the department of public safety relating to
6 uniformed security employees and security contracts at health
7 facilities that are under the operation, management, and control
8 of the Hawaii health systems corporation shall be transferred to
9 the Hawaii health systems corporation.

10 (j) Effective January 1, 1993, the functions and authority
11 heretofore exercised by the director of human services and the
12 department of human services relating to contractual security
13 guard services shall be transferred to the department of public
14 safety.

15 (k) Effective July 1, 1994, the functions and authority
16 heretofore exercised by the adjutant general relating to
17 security for national guard and state civil defense facilities
18 in the Diamond Head complex, for after work hours, shall be
19 transferred to the department of public safety.

20 (l) Effective July 1, 2002, the functions and authority
21 heretofore exercised by the director of public safety and the
22 department of public safety relating to after hours security



1 contracts at department of education facilities, including all
2 security functions being performed by employees of the public
3 library system, as well as the contractual security services for
4 the libraries, shall be transferred to the department of
5 education and the public library system as appropriate.

6 (m) The department shall coordinate drug abatement efforts
7 of the communities with the State, counties, and community
8 agencies, by:

- 9 (1) Facilitating sharing of resources and information;
- 10 (2) Providing technical support for community mobilization
11 groups;
- 12 (3) Establishing community action plans for drug
13 education, awareness, and prevention;
- 14 (4) Facilitating problem solving in the delivery of law
15 enforcement services by state and local agencies to
16 the community.

17 The department shall submit an annual report to the
18 legislature twenty days before the convening of each regular
19 session, on the activities of the department relating to this
20 mandate.

21 (n) Effective July 1, 2006, the functions and authority
22 heretofore exercised by the director of human services relating



1 to the provision of programs and services for youth at risk and
2 the office of youth services shall be transferred to the
3 department of public safety."

4 SECTION 2. Section 352D-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§352D-4 Establishment; purpose.** There is established
7 within the [~~department of human services for administrative~~
8 ~~purposes only~~] department of public safety the office of youth
9 services. The office of youth services is established to
10 provide services and programs for youth at risk under one
11 umbrella agency in order to facilitate optimum service delivery,
12 to prevent delinquency, and to reduce the incidence of
13 recidivism among juveniles through the provision of prevention,
14 rehabilitation, and treatment services. The office shall also
15 be responsible for program planning and development,
16 intake/assessment, oversight, as well as consultation, technical
17 assistance, and staff training relating to the delivery of
18 services.

19 The office shall provide a continuum of services as
20 follows:

21 (1) An integrated intake/assessment and case management
22 system;



- 1 (2) The necessary educational, vocational, social
- 2 counseling, and mental health services;
- 3 (3) Community-based shelter and residential facilities;
- 4 (4) Oversight of youth services; and
- 5 (5) Other programs [~~which~~] that encourage the development
- 6 of positive self-images and useful skills in such
- 7 youth.

8 To this end, on July 1, 1991, this office shall assume the
9 responsibilities for juvenile corrections functions, which were
10 temporarily placed in the department of corrections pursuant to
11 Act 338 of 1987. These functions shall include, but not be
12 limited to, all responsibilities, under chapter 352, for the
13 Hawaii youth correctional facilities."

14 SECTION 3. All rights, powers, functions, and duties of
15 the office of youth services are transferred to the department
16 of public safety.

17 All officers and employees whose functions are transferred
18 by this Act shall be transferred with their functions and shall
19 continue to perform their regular duties upon their transfer,
20 subject to the state personnel laws and this Act.

21 No officer or employee of the State having tenure shall
22 suffer any loss of salary, seniority, prior service credit,



1 vacation, sick leave, or other employee benefit or privilege as
2 a consequence of this Act, and such officer or employee may be
3 transferred or appointed to a civil service position without the
4 necessity of examination; provided that the officer or employee
5 possesses the minimum qualifications for the position to which
6 transferred or appointed; and provided that subsequent changes
7 in status may be made pursuant to applicable civil service and
8 compensation laws.

9 An officer or employee of the State who does not have
10 tenure and who may be transferred or appointed to a civil
11 service position as a consequence of this Act shall become a
12 civil service employee without the loss of salary, seniority,
13 prior service credit, vacation, sick leave, or other employee
14 benefits or privileges and without the necessity of examination;
15 provided that such officer or employee possesses the minimum
16 qualifications for the position to which transferred or
17 appointed.

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification
22 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the head of the department or
3 the governor.

4 SECTION 4. All appropriations, records, equipment,
5 machines, files, supplies, contracts, books, papers, documents,
6 maps, and other personal property heretofore made, used,
7 acquired, or held by the department of office youth services
8 relating to the functions transferred to the department of
9 public safety shall be transferred with the functions to which
10 they relate.

11 SECTION 5. All rules, policies, procedures, guidelines,
12 and other material adopted or developed by the department of
13 human services to implement provisions of the Hawaii Revised
14 Statutes which are reenacted or made applicable to the
15 department of public safety by this Act, shall remain in full
16 force and effect until amended or repealed by the department of
17 public safety pursuant to chapter 91, Hawaii Revised Statutes.
18 In the interim, every reference to the department of human
19 services or director of human services in those rules, policies,
20 procedures, guidelines, and other material is amended to refer
21 to the department of public safety or director of public safety
22 as appropriate.



1 SECTION 6. All deeds, leases, contracts, loans,
2 agreements, permits, or other documents executed or entered into
3 by or on behalf of the department of transportation pursuant to
4 the provisions of the Hawaii Revised Statutes, which are
5 reenacted or made applicable to the department of public safety
6 by this Act, shall remain in full force and effect. Upon the
7 effective date of this Act, every reference to the department of
8 human services or the director of human services therein shall
9 be construed as a reference to the department of public safety
10 as appropriate.

11 SECTION 7. It is the intent of this Act not to jeopardize
12 the receipt of any federal aid nor to impair the obligation of
13 the State or any agency thereof to the holders of any bond
14 issued by the State or by any such agency, and to the extent,
15 and only to the extent, necessary to effectuate this intent, the
16 governor may modify the strict provisions of this Act, but shall
17 promptly report any such modification with reasons therefor to
18 the legislature at its next session thereafter for review by the
19 legislature.

20 SECTION 8. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

1 SECTION 9. This Act shall take effect on July 1, 2006.

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INTRODUCED BY:

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HB 2995

Report Title:

Office of Youth Services; Department of Public Safety; Transfer

Description:

Transfers the Office of Youth Services from the Department of Human Services to the Department of Public Safety.

