

STAND. COM. REP. NO. **3357**

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3016
H.D. 3
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 3016, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to authorize law enforcement officers of the Department of Land and Natural Resources Division of Conservation and Resources Enforcement Program to use electric guns in discharging their duties.

Specifically, this measure exempts Division of Conservation and Resources Enforcement officers from the prohibition against possession of electric guns. It also clarifies that law enforcement officers of the Department of Public Safety are exempt from the prohibition, in recognition of transfer to the Department of Public Safety the functions and authority of sheriffs. The measure also requires the Department of Land and Natural Resources to maintain records regarding electric guns and report annually on their use. Finally, the measure appropriates funds to the Department of Land and Natural Resources to establish an accreditation or credentialing program, purchase the electric guns and related equipment, and to train the law enforcement officers.

Testimony in support of this measure was submitted by the Nature Conservancy of Hawaii. Testimony in opposition to this measure was submitted by the American Civil Liberties Union of



Hawaii and a concerned citizen. Comments on this measure were submitted by the Department of Land and Natural Resources.

Your Committee finds that providing a less-than-lethal means to assist Conservation and Resources Enforcement Officers in the performance of their duties will help them successfully and safely protect the citizens of Hawaii and our natural resources. To ensure that electric guns are used as intended, this measure requires that the Department of Land and Natural Resources establish an accreditation and credentialing program for the use of electric guns by the Conservation and Resources Enforcement Officers.

Your Committee notes that accreditation or credentialing from a national program could be a very expensive and lengthy process. Your Committee also notes that it was the intent of the Committees on Public Safety and Water and Land to clarify that Narcotics Enforcement Investigators and Law Enforcement Officers in the sheriff's division of the Department of Public Safety also be authorized to possess electric guns. However, the actual language of Senate Draft 2 referred only to Law Enforcement Officers of the Department of Public Safety.

Accordingly, your Committees have amended this measure by:

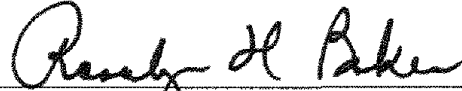
- (1) Requiring the Department of Land and Natural Resources, prior to purchasing electric guns and related equipment, to obtain proficiency training in the use, handling, and storage of electric guns for Conservation and Resources Enforcement Officers from a certified trainer or training program used or offered by the county police departments for this purpose;
- (2) Clarifying that Narcotics Enforcement Investigators and Law Enforcement Officers in the sheriff's division of the Department of Public Safety are also authorized to possess electric guns; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3016, H.D. 3, S.D. 1, as amended herein, and recommends that



it pass Third Reading in the form attached hereto as H.B.
No. 3016, H.D. 3, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



ROSALYN H. BAKER, Chair



