

JAN 23 2009

A BILL FOR AN ACT

RELATING TO IOLANI PALACE.

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

1 SECTION 1. Law enforcement jurisdiction over the grounds
2 of the Iolani Palace currently resides with the department of
3 land and natural resources as a public park. The legislature
4 finds that the functions of law enforcement officers of the
5 department of land and natural resources are stretched thin and
6 focus on public parks, forests, beaches, oceans, and other
7 public lands under the vast array of enormous land and natural
8 resources under the department's jurisdiction.

9 The legislature further finds that the department of public
10 safety, sheriffs' division, which has jurisdiction over the
11 adjacent State Capitol, is the more appropriate law enforcement
12 agency to have jurisdiction over the Iolani Palace buildings and
13 grounds.

14 It is not the intent of this Act to transfer:

15 (1) The management of the historical preservation
16 functions of the department of land and natural
17 resources for Iolani Palace. The application of this



1 Act is limited to law enforcement over the grounds and
2 the building of the Iolani Palace; or

3 (2) The rulemaking authority of the department of land and
4 natural resources.

5 The purpose of this Act is to transfer law enforcement
6 jurisdiction only over the Iolani Palace from the department of
7 land and natural resources to the department of public safety.

8 SECTION 2. Section 171-3, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§171-3 Department of land and natural resources.** (a)

11 The department of land and natural resources shall be headed by
12 an executive board to be known as the board of land and natural
13 resources. The department shall manage, administer, and
14 exercise control over public lands, the water resources, ocean
15 waters, navigable streams, coastal areas (excluding commercial
16 harbor areas), and minerals and all other interests therein and
17 exercise such powers of disposition thereof as may be authorized
18 by law. The department shall also manage and administer the
19 state parks, historical sites, forests, forest reserves, aquatic
20 life, aquatic life sanctuaries, public fishing areas, boating,
21 ocean recreation, coastal programs, wildlife, wildlife



1 sanctuaries, game management areas, public hunting areas,
2 natural area reserves, and other functions assigned by law.

3 (b) The department of public safety shall have law
4 enforcement jurisdiction over the buildings and grounds of
5 Iolani Palace, as provided in section 353C-2."

6 SECTION 3. Section 353C-2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§353C-2 Director of public safety; powers and duties.**

9 [+](a)[+] The director of public safety shall administer the
10 public safety programs of the department of public safety and
11 shall be responsible for the formulation and implementation of
12 state goals and objectives for correctional and law enforcement
13 programs, including ensuring that correctional facilities and
14 correctional services meet the present and future needs of
15 persons committed to the correctional facilities. In the
16 administration of these programs, the director may:

- 17 (1) Preserve the public peace, prevent crime, detect and
18 arrest offenders against the law, protect the rights
19 of persons and property, and enforce and prevent
20 violation of all laws and administrative rules of the
21 State as the director deems to be necessary or
22 desirable or upon request, to assist other state



1 officers or agencies that have primary administrative
2 responsibility over specific subject matters or
3 programs;

4 (2) Train, equip, maintain, and supervise the force of
5 public safety officers, including law enforcement and
6 correctional personnel, and other employees of the
7 department;

8 (3) Serve process both in civil and criminal proceedings;

9 (4) Perform other duties as may be required by law;

10 (5) Adopt, pursuant to chapter 91, rules that are
11 necessary or desirable for the administration of
12 public safety programs; and

13 (6) Enter into contracts in behalf of the department and
14 take all actions deemed necessary and appropriate for
15 the proper and efficient administration of the
16 department.

17 (b) The department of public safety shall have law
18 enforcement jurisdiction over the buildings and grounds of
19 Iolani Palace, for the purpose of preserving the public peace,
20 preventing crime, detecting and arresting offenders of the law,
21 protecting the rights of persons and property, and enforcing and
22 preventing violation of all laws and any administrative rules of



1 the department of land and natural resources. The department of
2 public safety shall consult with the department of land and
3 natural resources on the interpretation and application of any
4 administrative rule for purposes of this subsection. This
5 subsection shall not be construed to:

6 (1) Authorize sheriffs of the department of public safety
7 to enter into the Iolani Palace building other than
8 for law enforcement purposes when warranted by the
9 circumstances; or

10 (2) Relieve the Honolulu police department from any law
11 enforcement duties with regards to Iolani Palace;
12 provided that the department of public safety shall
13 have primary law enforcement jurisdiction for Iolani
14 Palace.

15 ~~[(b)]~~ (c) The department of public safety shall report to
16 the legislature not later than twenty days prior to the
17 commencement of the 2008 regular session, and every session
18 thereafter, with its achievements, continuing improvements, and
19 ongoing problems in providing the appropriate mental health care
20 to committed persons under its jurisdiction."



S.B. NO. 218

1 SECTION 4. The department of public safety shall commence
 2 law enforcement duties under this Act for Iolani Palace no later
 3 than July 1, 2010.

4 SECTION 5. No later than December 31, 2009, the department
 5 of public safety shall prepare and present to the legislature a
 6 plan, including funding projections, to assume law enforcement
 7 functions over Iolani Palace as provided in this Act.

8 SECTION 6. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 7. This Act shall take effect upon its approval.

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Report Title:

Iolani Palace; Enforcement Jurisdiction

Description:

Transfers law enforcement jurisdiction over Iolani Palace from the department of land and natural resources to the department of public safety.

