
A BILL FOR AN ACT

RELATING TO PRIVATE GUARDS.

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

1 SECTION 1. Chapter 463, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§463- Guards; registration, instruction, training,
5 testing, and continuing education required; renewal of
6 registration. (a) Effective July 1, 2013, all guards, and all
7 agents, operatives, and assistants employed by a guard agency,
8 private business entity, or government agency who act in a guard
9 capacity shall apply to register with the board, and meet the
10 following registration, instruction, and training requirements
11 prior to acting as a guard:

- 12 (1) Not be less than eighteen years of age;
13 (2) Possess a high school education or its equivalent; and
14 (3) Not have been convicted in any jurisdiction of a crime
15 which reflects unfavorably on the fitness of the
16 individual to act as a guard, unless the conviction
17 has been annulled or expunged by court order; provided
18 that the individual shall submit to a national



1 criminal history record check as authorized by federal
2 law, including the Private Security Officer Employment
3 Authorization Act of 2004, and specified in the rules
4 of the board.

5 The board shall determine whether an individual qualifies for
6 registration pursuant to this subsection.

7 (b) All classroom instruction required under this section
8 shall be provided by an employee, manager, or owner of a guard
9 agency or other qualified third party in this state if the
10 course of study meets board-approved curricula. Course
11 curricula shall meet the specific standards of this section and
12 all other applicable requirements of this chapter, and shall be
13 established by the board.

14 (c) Guards and individuals acting in a guard capacity
15 shall successfully complete the classroom instruction specified
16 by this section, pass a written test, and undergo four hours of
17 on-the-job training supervised by an individual who has
18 successfully completed all of the requirements of this section
19 or who has otherwise been approved by the board for on-the-job
20 training. Guards and individuals acting in a guard capacity
21 shall successfully complete:



- 1 (1) Eight hours of classroom instruction before the first
2 day of service; and
- 3 (2) Four hours of classroom instruction annually
4 thereafter.
- 5 (d) The content of classroom instruction required under
6 this section shall include:
- 7 (1) State and federal law regarding the legal limitations
8 on the actions of guards, including instruction in the
9 law concerning arrest, search and seizure, and the use
10 of force as these issues relate to guard work;
- 11 (2) Access control, safety, fire detection and reporting,
12 and emergency response;
- 13 (3) Homeland security issues and procedures;
- 14 (4) When and how to notify public authorities;
- 15 (5) Techniques of observation and reporting of incidents,
16 including how to prepare an incident report;
- 17 (6) The fundamentals of patrolling;
- 18 (7) Professional ethics; and
- 19 (8) Professional image and aloha training.
- 20 (e) Before beginning employment as a guard or in a guard
21 capacity, in addition to the classroom instruction required by
22 this section, guards and individuals acting in a guard capacity



1 who carry a firearm or other weapon, including an electric gun
2 as defined in section 134-1, while on-duty in a guard capacity
3 shall possess a valid permit to acquire the ownership of a
4 firearm issued by county police pursuant to section 134-2 and
5 shall satisfy the requirements of section 134-2(g).

6 (f) The board may adopt rules pursuant to chapter 91 that
7 mandate additional training, instruction, testing, and
8 continuing education for guards, and agents, operatives, and
9 assistants employed in a guard capacity.

10 (g) Prior to the June 30, 2014, renewal of the guard
11 registration and every registration renewal thereafter, the
12 applicant shall pay all required fees and have had at least four
13 hours of continuing education as specified in the rules of the
14 board.

15 The board may conduct a random audit, pursuant to rules
16 adopted pursuant to chapter 91, of registrants applying for
17 renewal of a registration to determine whether the continuing
18 education requirements of this subsection have been met.

19 The failure, neglect, or refusal of any registered guard to
20 pay the renewal fee or meet the continuing education
21 requirements shall constitute a forfeiture of the guard's
22 registration. A forfeited registration may be restored upon



1 written application within one year from the date of forfeiture,
2 payment of the required renewal fee plus penalty fees, and
3 meeting the continuing education requirements in effect at the
4 time of restoration."

5 SECTION 2. Section 463-13, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§463-13 Exemptions.** This chapter does not apply to any
8 person, firm, company, partnership, or corporation or any bureau
9 or agency whose business is exclusively the furnishing of
10 information as to the business and financial standing and credit
11 responsibility of persons, firms, or corporations, or as to
12 personal habits and financial responsibility, of applicants for
13 insurance, indemnity bonds, or commercial credit, [~~or a person~~
14 ~~employed exclusively and regularly by one employer in connection~~
15 ~~with the affairs of such employer only and where there exists an~~
16 ~~employer-employee relationship,~~] or an attorney at law in
17 performing the attorney's duties as such attorney at law."

18 SECTION 3. The board of private detectives and guards,
19 pursuant to the authority granted to it by section 463-3, Hawaii
20 Revised Statutes, and in accordance with chapter 91, Hawaii
21 Revised Statutes, shall adopt rules to effectuate the provisions
22 of this Act.



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

3 SECTION 5. This Act shall take effect on July 1, 2020.



Report Title:

Guards and Guard Agencies; Training, Instruction, and Continuing Education

Description:

Establishes registration requirements, including training, instruction, and continuing education for guards and individuals acting in a guard capacity. Directs the Board of Private Detectives and Guards to make rules. Effective July 1, 2020.
(SB2165 HD2)

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