



1 programs in the State relating to law enforcement, as provided  
2 in section -B, not including duties and programs of the  
3 department of public safety relating to corrections and prisons.  
4 Laws existing as of July 1, 2011, relating to functions and  
5 programs under section -B, shall be deemed incorporated under  
6 this chapter and placed under the jurisdiction of the  
7 department.

8       **§ -D Deputy directors; appointment.** The director shall  
9 appoint, without regard to chapter 76, deputy directors to  
10 serve at the director's pleasure.

11       **§ -E Rulemaking powers.** The department shall adopt  
12 rules pursuant to chapter 91 necessary for purposes of this  
13 chapter; provided that as of July 1, 2011, rules relating to the  
14 narcotics enforcement division of the department of public  
15 safety and the sheriff division of the department of public  
16 safety, as adopted by the respective departments, shall be  
17 deemed in effect and shall be amended accordingly to reflect  
18 appropriately the term "department of state law enforcement", as  
19 applicable."

20       SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended  
21 by adding a new section to be appropriately designated and to  
22 read as follows:



1           "§26- Department of state law enforcement. (a) The  
2 department of state law enforcement shall be headed by a single  
3 executive to be known as the director of state law enforcement.

4           (b) The department of state law enforcement shall be  
5 responsible for the administration and implementation of state  
6 policies and objectives for law enforcement programs and  
7 functions.

8           (c) Effective July 1, 2011, the functions, authority, and  
9 obligations, together with the limitations imposed thereon and  
10 privileges and immunities conferred thereby, heretofore  
11 exercised by the narcotics enforcement division of the  
12 department of public safety and the sheriff division of the  
13 department of public safety, shall be transferred to the  
14 department of state law enforcement."

15           SECTION 3. Section 26-4, Hawaii Revised Statutes, is  
16 amended to read as follows:

17           **"§26-4 Structure of government.** Under the supervision of  
18 the governor, all executive and administrative offices,  
19 departments, and instrumentalities of the state government and  
20 their respective functions, powers, and duties shall be  
21 allocated among and within the following principal departments  
22 that are hereby established:



- 1 (1) Department of human resources development (Section
- 2 26-5)
- 3 (2) Department of accounting and general services (Section
- 4 26-6)
- 5 (3) Department of the attorney general (Section 26-7)
- 6 (4) Department of budget and finance (Section 26-8)
- 7 (5) Department of commerce and consumer affairs (Section
- 8 26-9)
- 9 (6) Department of taxation (Section 26-10)
- 10 (7) University of Hawaii (Section 26-11)
- 11 (8) Department of education (Section 26-12)
- 12 (9) Department of health (Section 26-13)
- 13 (10) Department of human services (Section 26-14)
- 14 (11) Department of land and natural resources (Section
- 15 26-15)
- 16 (12) Department of agriculture (Section 26-16)
- 17 (13) Department of Hawaiian home lands (Section 26-17)
- 18 (14) Department of business, economic development, and
- 19 tourism (Section 26-18)
- 20 (15) Department of transportation (Section 26-19)
- 21 (16) Department of labor and industrial relations (Section
- 22 26-20)



- 1 (17) Department of defense (Section 26-21)
- 2 (18) Department of public safety (Section 26-14.6) [-]
- 3 (19) Department of state law enforcement (Section 26- )."

4 SECTION 4. Section 26-14.6, Hawaii Revised Statutes, is  
5 amended by amending subsection (b) to read as follows:

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~~  
10 and maintenance of all public or private correctional facilities  
11 and services [~~for the service of process, and for the security~~  
12 ~~of state buildings~~]."

13 SECTION 5. Section 26-52, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§26-52 Department heads and executive officers.** The  
16 salaries of the following state officers shall be as follows:

- 17 (1) The salary of the superintendent of education shall be  
18 set by the board of education at a rate no greater  
19 than \$150,000 a year;
- 20 (2) The salary of the president of the University of  
21 Hawaii shall be set by the board of regents;



- 1           (3) Effective July 1, 2004, the salaries of all department  
2 heads or executive officers of the departments of  
3 accounting and general services, agriculture, attorney  
4 general, budget and finance, business, economic  
5 development, and tourism, commerce and consumer  
6 affairs, Hawaiian home lands, health, human resources  
7 development, human services, labor and industrial  
8 relations, land and natural resources, public safety,  
9 taxation, and transportation shall be as last  
10 recommended by the executive salary commission.  
11 Effective July 1, 2007, and every six years  
12 thereafter, the salaries shall be as last recommended  
13 by the commission on salaries pursuant to section  
14 26-56, unless rejected by the legislature; provided  
15 that the director of state law enforcement's salary  
16 shall be the same as the director public safety; and
- 17           (4) The salary of the adjutant general shall be \$85,302 a  
18 year. Effective July 1, 2007, and every six years  
19 thereafter, the salary of the adjutant general shall  
20 be as last recommended by the commission on salaries  
21 pursuant to section 26-56, unless rejected by the  
22 legislature, except that if the state salary is in



1 conflict with the pay and allowance fixed by the  
2 tables of the regular army or air force of the United  
3 States, the latter shall prevail."

4 SECTION 6. Section 353C-2, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

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

14 [~~(1) Preserve the public peace, prevent crime, detect and~~  
15 ~~arrest offenders against the law, protect the rights~~  
16 ~~of persons and property, and enforce and prevent~~  
17 ~~violation of all laws and administrative rules of the~~  
18 ~~State as the director deems to be necessary or~~  
19 ~~desirable or upon request, to assist other state~~  
20 ~~officers or agencies that have primary administrative~~  
21 ~~responsibility over specific subject matters or~~  
22 ~~programs;~~



1       ~~(2)~~ (1) Train, equip, maintain, and supervise ~~[the force~~  
2           ~~of public safety officers, including law enforcement~~  
3           ~~and]~~ correctional personnel ~~[7]~~ and other employees of  
4           the department;  
5       ~~[(3) Serve process both in civil and criminal proceedings,~~  
6       ~~(4)]~~ (2) Perform other duties as may be required by law;  
7       ~~[(5)]~~ (3) Adopt, pursuant to chapter 91, rules that are  
8           necessary or desirable for the administration of  
9           public safety programs; and  
10       ~~[(6)]~~ (4) Enter into contracts in behalf of the department  
11           and take all actions deemed necessary and appropriate  
12           for the proper and efficient administration of the  
13           department."

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

16       "~~[+] §353C-3 [.]~~ **Deputy directors; appointment.** The  
17       director shall appoint, without regard to chapter 76, ~~[three]~~  
18       two deputy directors to serve at the director's pleasure.  
19       Unless otherwise assigned by the director, one deputy director  
20       shall oversee the correctional programs and facilities of the  
21       department, ~~[one deputy director shall oversee the law~~





1 ~~enforcement programs of the department,~~] and one deputy director  
2 shall oversee administration of the department."

3 SECTION 8. The revisor of statutes shall assign the  
4 appropriate section numbers to the letter designations in  
5 section 1 of this Act.

6 SECTION 9. All laws and parts of laws heretofore enacted  
7 which are in conflict with the provisions of this Act are hereby  
8 amended to conform herewith. All acts passed during the regular  
9 session of 2009, whether enacted before or after passage of this  
10 Act, shall be amended to conform to this Act, unless the Acts  
11 specifically provide for the Act relating to the "department of  
12 public safety" as being amended. Amendments made to sections of  
13 the Hawaii Revised Statutes that are amended by this Act as of a  
14 future effective date shall include amendments made after the  
15 approval of this Act and before the effective date of the  
16 amendments made by this Act, to the extent that the intervening  
17 amendments may be harmonized with the amendments made by this  
18 Act.

19 SECTION 10. All rights, powers, functions, and duties of  
20 the narcotics enforcement division of the department of public  
21 safety and sheriff division of the department of public safety  
22 are transferred to the department of state law enforcement.



1 All officers and employees whose functions are transferred  
2 by this Act shall be transferred with their functions and shall  
3 continue to perform their regular duties upon their transfer,  
4 subject to the state personnel laws and this Act.

5 No officer or employee of the State having tenure shall  
6 suffer any loss of salary, seniority, prior service credit,  
7 vacation, sick leave, or other employee benefit or privilege as  
8 a consequence of this Act, and such officer or employee may be  
9 transferred or appointed to a civil service position without the  
10 necessity of examination; provided that the officer or employee  
11 possesses the minimum qualifications for the position to which  
12 transferred or appointed; and provided that subsequent changes  
13 in status may be made pursuant to applicable civil service and  
14 compensation laws.

15 An officer or employee of the State who does not have  
16 tenure and who may be transferred or appointed to a civil  
17 service position as a consequence of this Act shall become a  
18 civil service employee without the loss of salary, seniority,  
19 prior service credit, vacation, sick leave, or other employee  
20 benefits or privileges and without the necessity of examination;  
21 provided that such officer or employee possesses the minimum



1 qualifications for the position to which transferred or  
2 appointed.

3 If an office or position held by an officer or employee  
4 having tenure is abolished, the officer or employee shall not  
5 thereby be separated from public employment, but shall remain in  
6 the employment of the State with the same pay and classification  
7 and shall be transferred to some other office or position for  
8 which the officer or employee is eligible under the personnel  
9 laws of the State as determined by the head of the department or  
10 the governor.

11 SECTION 11. All appropriations, records, equipment,  
12 machines, files, supplies, contracts, books, papers, documents,  
13 maps, and other personal property heretofore made, used,  
14 acquired, or held by the narcotics enforcement division of the  
15 department of public safety and sheriff division of the  
16 department of public safety relating to the functions  
17 transferred to the department of state law enforcement shall be  
18 transferred with the functions to which they relate.

19 SECTION 12. The sheriff division of the department of  
20 public safety shall develop a complete organizational and budget  
21 plan for the implementation and operation of the department of  
22 state law enforcement, as provided in section 1 of this Act, for



1 submission to the legislature by no later than twenty days prior  
2 to the convening of the regular session of 2010, for purposes of  
3 the state budget for fiscal year 2011-2012.

4 SECTION 13. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 14. This Act shall take effect on July 1, 2011;  
7 provided that section 12 shall take effect on July 1, 2009.

8

INTRODUCED BY:

Therese Chun Oakland  
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**Report Title:**

Department of State Law Enforcement

**Description:**

Creates a department of state law enforcement comprised of the narcotics enforcement division of the department of public safety and sheriff division of the department of public safety, beginning 7/1/2011.

