
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) Be not 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



1 that the individual shall submit to a national
2 criminal history record check as authorized by federal
3 law, including but not limited to the Private Security
4 Officer Employment Authorization Act of 2004, and
5 specified in the rules of the board.

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

8 (b) All classroom instruction required under this section
9 shall be provided by an instructor who is approved as an
10 instructor by the board and who is not an employee, manager, or
11 owner of a guard agency in this State. All classroom
12 instructors shall hold a bachelor's degree or higher in an
13 appropriate field and possess at least three years of work
14 experience in a relevant position as determined by the board.

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

20 Guards and individuals acting in a guard capacity shall
21 successfully complete:



- 1 (1) Eight hours of classroom instruction before the first
2 day of service;
- 3 (2) Eight hours of classroom instruction within the first
4 six months of employment; and
- 5 (3) Eight hours of classroom instruction annually
6 thereafter.
- 7 (d) The content of classroom instruction required under
8 this section shall include, but not be limited to:
- 9 (1) State and federal law regarding the legal limitations
10 on the actions of guards, including instruction in the
11 law concerning arrest, search and seizure, and the use
12 of force as these issues relate to guard work;
- 13 (2) Access control, safety, fire detection and reporting,
14 and emergency response;
- 15 (3) Homeland security issues and procedures;
- 16 (4) When and how to notify public authorities;
- 17 (5) Techniques of observation and reporting of incidents,
18 including how to prepare an incident report;
- 19 (6) The fundamentals of patrolling;
- 20 (7) Professional ethics; and
- 21 (8) Professional image and aloha training.



1 (e) Before beginning employment as a guard or in a guard
2 capacity, in addition to the classroom instruction required by
3 this section, guards and individuals acting in a guard capacity
4 who carry a firearm or other weapon, including but not limited
5 to an electric gun as defined in section 134-1, while on-duty in
6 a guard capacity shall possess a valid permit to acquire the
7 ownership of a firearm issued by county police pursuant to
8 section 134-2 and shall satisfy the requirements of subsection
9 134-2(g).

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

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

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



1 The failure, neglect, or refusal of any registered guard to
 2 pay the renewal fee or meet the continuing education
 3 requirements shall constitute a forfeiture of the guard's
 4 registration. A forfeited registration may be restored upon
 5 written application within one year from the date of forfeiture,
 6 payment of the required renewal fee plus penalty fees, and
 7 meeting the continuing education requirements in effect at the
 8 time of restoration."

9 SECTION 2. Section 463-8, Hawaii Revised Statutes, is
 10 amended to read as follows:

11 "~~§463-8 [Guards and guard] Guard agencies; [qualifications~~
 12 ~~for license.] licensing; other requirements. (a) The board may~~
 13 grant [a guard license to any suitable individual, or] a guard
 14 agency license to any suitable firm making written application
 15 therefor. [The applicant, if an individual, or the principal
 16 guard of a firm, shall:

- 17 ~~(1) Be not less than eighteen years of age;~~
- 18 ~~(2) Have had a high school education or its equivalent;~~
- 19 ~~(3) Have had experience reasonably equivalent to at least~~
 20 ~~four years of full time guard work;~~
- 21 ~~(4) Not be presently suffering from any psychiatric or~~
 22 ~~psychological disorder which is directly related and~~



- 1 ~~detrimental to a person's performance in the~~
2 ~~profession;~~
- 3 ~~(5) Not have been convicted in any jurisdiction of a crime~~
4 ~~which reflects unfavorably on the fitness of the~~
5 ~~applicant to engage in the profession, unless the~~
6 ~~conviction has been annulled or expunged by court~~
7 ~~order; and~~
- 8 ~~(6) Possess a history of honesty, truthfulness, financial~~
9 ~~integrity, and fair dealing.]~~

10 A firm applying for a guard agency license shall have in its
11 employ an individual who is licensed as a guard pursuant to
12 section 463- and who shall be designated as the principal
13 guard for the firm, and shall provide a bond as required under
14 section 463-12.

15 (b) A guard agency may employ as many agents, operatives,
16 and assistants in a guard capacity and as necessary for the
17 conduct of business; provided that the principal guard shall be
18 held responsible for, and have direct management and control of,
19 the agency and the agency's employees while they are acting
20 within the scope and purpose of the guard agency's business.
21 [~~These employees shall not be required to have guard licenses,~~
22 ~~and shall:~~



- 1 ~~(1) Have had an eighth grade education or its equivalent;~~
2 ~~(2) Not be presently suffering from any psychiatric or~~
3 ~~psychological disorder which is directly related and~~
4 ~~detrimental to a person's performance in the~~
5 ~~profession;~~
6 ~~(3) Not have been convicted in any jurisdiction of a crime~~
7 ~~which reflects unfavorably on the fitness of the~~
8 ~~employee to engage in the profession, unless the~~
9 ~~conviction has been annulled or expunged by court~~
10 ~~order; and~~
11 ~~(4) Be registered with the board upon employment with the~~
12 ~~agency.]~~

13 The employer, with the written authorization of the employee,
14 shall conduct a criminal history records check, in accordance
15 with section 463- and the rules of the board adopted pursuant
16 thereto, of all new employees employed in a guard capacity
17 directly through the Hawaii criminal justice data center upon
18 certification to the board that the signature on the
19 authorization is authentic."

20 SECTION 3. Section 463-13, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§463-13 Exemptions.** This chapter does not apply to any
2 person, firm, company, partnership, or corporation or any bureau
3 or agency whose business is exclusively the furnishing of
4 information as to the business and financial standing and credit
5 responsibility of persons, firms, or corporations, or as to
6 personal habits and financial responsibility, of applicants for
7 insurance, indemnity bonds, or commercial credit, [~~or a person~~
8 ~~employed exclusively and regularly by one employer in connection~~
9 ~~with the affairs of such employer only and where there exists an~~
10 ~~employer-employee relationship,~~] or an attorney at law in
11 performing the attorney's duties as such attorney at law."

12 SECTION 4. The board of private detectives and guards,
13 pursuant to the authority granted to it by section 463-2, Hawaii
14 Revised Statutes, and in accordance with chapter 91, Hawaii
15 Revised Statutes, shall adopt rules to effectuate the provisions
16 of this Act.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

20



Report Title:

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

Description:

Establishes licensure 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. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

