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# 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) Notwithstanding subsection (a), beginning January 1,  
4 2010, the authority to manage, administer, and exercise control  
5 over any public lands that are designated important agricultural  
6 lands pursuant to section 205-44.5, shall be transferred to the  
7 department of agriculture.

8 (c) The department of public safety shall have law  
9 enforcement jurisdiction over the buildings and grounds of  
10 Iolani Palace, as provided in section 353C-2."

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

13 **"§353C-2 Director of public safety; powers and duties.**

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

- 1           (1) Preserve the public peace, prevent crime, detect and  
2           arrest offenders against the law, protect the rights  
3           of persons and property, and enforce and prevent  
4           violation of all laws and administrative rules of the  
5           State as the director deems to be necessary or  
6           desirable or upon request, to assist other state  
7           officers or agencies that have primary administrative  
8           responsibility over specific subject matters or  
9           programs;
- 10          (2) Train, equip, maintain, and supervise the force of  
11          public safety officers, including law enforcement and  
12          correctional personnel, and other employees of the  
13          department;
- 14          (3) Serve process both in civil and criminal proceedings;
- 15          (4) Perform other duties as may be required by law;
- 16          (5) Adopt, pursuant to chapter 91, rules that are  
17          necessary or desirable for the administration of  
18          public safety programs; and
- 19          (6) Enter into contracts in behalf of the department and  
20          take all actions deemed necessary and appropriate for  
21          the proper and efficient administration of the  
22          department.

1           (b) The department of public safety shall have law  
2 enforcement jurisdiction over the buildings and grounds of  
3 Iolani Palace, for the purpose of preserving the public peace,  
4 preventing crime, detecting and arresting offenders of the law,  
5 protecting the rights of persons and property, and enforcing and  
6 preventing violation of all laws and any administrative rules of  
7 the department of land and natural resources. The department of  
8 public safety shall consult with the department of land and  
9 natural resources on the interpretation and application of any  
10 administrative rule for purposes of this subsection. This  
11 subsection shall not be construed to:

12           (1) Authorize sheriffs of the department of public safety  
13 to enter into the Iolani Palace building other than  
14 for law enforcement purposes when warranted by the  
15 circumstances; or

16           (2) Relieve the Honolulu police department from any law  
17 enforcement duties with regards to Iolani Palace;  
18 provided that the department of public safety shall  
19 have primary law enforcement jurisdiction for Iolani  
20 Palace.

21           ~~(b)~~ (c) The department of public safety shall report to  
22 the legislature not later than twenty days prior to the

1 commencement of the 2008 regular session, and every session  
2 thereafter, with its achievements, continuing improvements, and  
3 ongoing problems in providing the appropriate mental health care  
4 to committed persons under its jurisdiction."

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

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

12 SECTION 6. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 7. This Act shall take effect on July 1, 2050.

**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. (SD1)