

1 **§28- Duties.** The sheriff and the sheriff's deputies
2 shall be charged with service of process and execution of any
3 order of the courts of this State, or as specified and directed
4 by the attorney general. In connection with such services, the
5 sheriff and the sheriff's deputies shall have all of the powers
6 of a police officer, including the power of arrest.

7 **§28- Process.** Any process of any court of record shall
8 be addressed to the sheriff or the sheriff's deputy, or to a
9 chief of police, except as may be otherwise provided by law or
10 rule of court. The sheriff or the sheriff's deputy may execute
11 the process according to its tenor, and shall not be liable for
12 any damages resulting from the execution thereof.

13 **§28- Sheriff of Kalawao county.** No provision of this
14 part shall apply to the sheriff of the county of Kalawao, except
15 those charging the sheriff with the service of process and
16 execution of any order of court."

17 SECTION 2. Section 26-7, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§26-7 Department of the attorney general.** The department
20 of the attorney general shall be headed by a single executive to
21 be known as the attorney general.



1 The department shall administer and render state legal
2 services, including furnishing of written legal opinions to the
3 governor, legislature, and such state departments and officers
4 as the governor may direct; represent the State in all civil
5 actions in which the State is a party; approve as to legality
6 and form all documents relating to the acquisition of any land
7 or interest in lands by the State; and, unless otherwise
8 provided by law, prosecute cases involving violations of state
9 laws and cases involving agreements, uniform laws, or other
10 matters which are enforceable in the courts of the State. The
11 attorney general shall be charged with such other duties and
12 have such authority as heretofore provided by common law or
13 statute.

14 There shall be within the department of the attorney
15 general a commission to be known as the commission to promote
16 uniform legislation which shall sit in an advisory capacity to
17 the attorney general and to the legislature on matters relating
18 to the promotion of uniform legislation. The composition of the
19 commission shall be as heretofore provided for the commission to
20 promote uniform legislation existing immediately prior to
21 November 25, 1959. The members of the commission shall be
22 nominated, and by and with the advice and consent of the senate,



1 appointed by the governor for terms of four years each, provided
2 that each member shall hold office until the member's successor
3 is appointed and qualified; and provided also that the
4 provisions of section 26-34, limiting the appointment of members
5 of boards and commissions to two terms and the duration of
6 membership to not more than eight consecutive years shall not be
7 applicable.

8 The functions and authority heretofore exercised by the
9 attorney general, high sheriff, and the commission to promote
10 uniform legislation as heretofore constituted are transferred to
11 the department of the attorney general established by this
12 chapter.

13 Effective July 1, 2010, the functions, authority, and
14 obligations exercised by the department of public safety
15 relating to the office of sheriff shall be transferred to the
16 department of the attorney general."

17 SECTION 3. Section 26-14.6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "§26-14.6 Department of public safety. (a) The
20 department of public safety shall be headed by a single
21 executive to be known as the director of public safety.



1 (b) The department of public safety shall be responsible
2 for the formulation and implementation of state policies and
3 objectives for correctional, security, law enforcement, and
4 public safety programs and functions, for the administration and
5 maintenance of all public or private correctional facilities and
6 services, [~~for the service of process,~~] and for the security of
7 state buildings.

8 (c) Effective July 1, 1990, the Hawaii paroling authority
9 and the crime victim compensation commission are placed within
10 the department of public safety for administrative purposes
11 only.

12 (d) Effective July 1, 1990, the functions and authority
13 heretofore exercised by:

- 14 (1) The department of corrections relating to adult
15 corrections and the intake service centers;
- 16 (2) The judiciary relating to the [~~sheriff's office and~~]
17 judiciary security personnel; and
- 18 (3) The department of the attorney general relating to
19 state law enforcement officers and narcotics
20 enforcement investigators with the narcotics
21 enforcement division,

22 shall be transferred to the department of public safety.



1 (e) Effective July 1, 1990, the functions and authority
2 heretofore exercised by the department of health pursuant to
3 chapters 329 and 329C, with the exception of sections 329-2,
4 329-3, and 329-4(3) to (8), shall be transferred to the
5 department of public safety.

6 ~~[(f) Effective July 1, 1990, the functions, authority, and~~
7 ~~obligations, together with the limitations imposed thereon and~~
8 ~~the privileges and immunities conferred thereby, exercised by a~~
9 ~~"sheriff", "sheriffs", a "sheriff's deputy", "sheriff's~~
10 ~~deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",~~
11 ~~under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,~~
12 ~~231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,~~
13 ~~353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-~~
14 ~~202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,~~
15 ~~603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,~~
16 ~~634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,~~
17 ~~657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,~~
18 ~~804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to~~
19 ~~the same extent by the department of public safety.~~

20 ~~(g)]~~ (f) Effective January 1, 1993, the functions and
21 authority heretofore exercised by the attorney general and the
22 department of the attorney general relating to the executive



1 security officers shall be transferred to the department of
2 public safety.

3 ~~(h)~~ (g) Effective July 1, 1999, the functions and
4 authority heretofore exercised by the director of public safety
5 and the department of public safety relating to after hours
6 security contracts at department of education facilities, except
7 for the security functions being performed by employees of the
8 public library system as well as the contractual security
9 services for the libraries, shall be transferred to the
10 department of education.

11 ~~(i)~~ (h) Effective January 1, 1993, the functions and
12 authority heretofore exercised by the director of health and the
13 department of health relating to uniformed security employees
14 and security contracts at various state hospitals throughout the
15 State shall be transferred to the department of public safety.

16 Effective July 1, 2005, the functions, authority, and employee
17 positions of the department of public safety relating to
18 uniformed security employees and security contracts at health
19 facilities that are under the operation, management, and control
20 of the Hawaii health systems corporation shall be transferred to
21 the Hawaii health systems corporation.



1 ~~[(j)]~~ (i) Effective January 1, 1993, the functions and
2 authority heretofore exercised by the director of human services
3 and the department of human services relating to contractual
4 security guard services shall be transferred to the department
5 of public safety.

6 ~~[(k)]~~ (j) Effective July 1, 1994, the functions and
7 authority heretofore exercised by the adjutant general relating
8 to security for national guard and state civil defense
9 facilities in the Diamond Head complex, for after work hours,
10 shall be transferred to the department of public safety.

11 ~~[(l)]~~ (k) Effective July 1, 2002, the functions and
12 authority heretofore exercised by the director of public safety
13 and the department of public safety relating to after hours
14 security contracts at department of education facilities,
15 including all security functions being performed by employees of
16 the public library system, as well as the contractual security
17 services for the libraries, shall be transferred to the
18 department of education and the public library system as
19 appropriate."

20 SECTION 4. Section 386-181, Hawaii Revised Statutes, is
21 amended by amending the definition of "sheriffs' chaplain" in
22 subsection (a) to read as follows:



1 ""Sheriffs' chaplain" means a member of an authorized
2 chaplaincy program of the department of [~~public safety~~] the
3 attorney general who performs functions similar to a police
4 chaplain in a voluntary and unpaid capacity for the [~~sheriff~~
5 ~~division.~~] office of sheriff."

6 SECTION 5. All rights, powers, functions, and duties of
7 the office of sheriff are transferred to the department of the
8 attorney general.

9 All officers and employees whose functions are transferred
10 by this Act shall be transferred with their functions and shall
11 continue to perform their regular duties upon their transfer,
12 subject to the state personnel laws and this Act.

13 No officer or employee of the State having tenure shall
14 suffer any loss of salary, seniority, prior service credit,
15 vacation, sick leave, or other employee benefit or privilege as
16 a consequence of this Act, and such officer or employee may be
17 transferred or appointed to a civil service position without the
18 necessity of examination; provided that the officer or employee
19 possesses the minimum qualifications for the position to which
20 transferred or appointed; and provided that subsequent changes
21 in status may be made pursuant to applicable civil service and
22 compensation laws.



1 An officer or employee of the State who does not have
2 tenure and who may be transferred or appointed to a civil
3 service position as a consequence of this Act shall become a
4 civil service employee without the loss of salary, seniority,
5 prior service credit, vacation, sick leave, or other employee
6 benefits or privileges and without the necessity of examination;
7 provided that such officer or employee possesses the minimum
8 qualifications for the position to which transferred or
9 appointed.

10 If an office or position held by an officer or employee
11 having tenure is abolished, the officer or employee shall not
12 thereby be separated from public employment, but shall remain in
13 the employment of the State with the same pay and classification
14 and shall be transferred to some other office or position for
15 which the officer or employee is eligible under the personnel
16 laws of the State as determined by the head of the department or
17 the governor.

18 SECTION 6. All appropriations, records, equipment,
19 machines, files, supplies, contracts, books, papers, documents,
20 maps, and other personal property heretofore made, used,
21 acquired, or held by the department of public safety relating to
22 the functions transferred to the department of the attorney



1 general shall be transferred with the functions to which they
2 relate.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 8. This Act shall take effect on July 1, 2010.

6

INTRODUCED BY: Will Egan (BR)



Report Title:

Sheriffs; Department of Public Safety; Attorney General

Description:

Transfers the office of sheriff from the department of public safety to the department of the attorney general.

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