

Honolulu, Hawaii

APR 23 2010 , 2010

RE: S.B. No. 2165
S.D. 1
H.D. 2
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2165, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE GUARDS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to raise standards for the guard industry by specifying educational, criminal history, and training requirements for all guards and employees of guard companies who act in a guard capacity.

Your Committee on Conference finds that the education and training requirements in the existing law pertaining to guards are inadequate to protect the public and to provide for high-quality guard services. Your Committee notes that under the existing law, it is possible for an individual to act as an armed security guard with an eighth grade education and no formal training at all. Your Committee finds that the proliferation of the use of guards and



private security forces has resulted in an environment where individuals empowered by and answerable only to their employers are permitted to act to secure life and property in potentially dangerous and threatening situations, without adequate training or oversight that improved regulation would afford. Your Committee finds that this measure will subject guards to meaningful oversight and regulation that is in the best interest of the guard industry as well as the public's safety.

Your Committee on Conference has amended this measure by reverting to the S.D. 1 version of S.B. 2165 and making the following changes:

- (1) Adding the requirement that an individual registering as a guard not be suffering from any psychiatric or psychological disorder which would detrimentally effect their performance as a guard;
- (2) Amending the requirements applicable to guard instructors, including requiring that instructors be approved by the Board of Private Detectives and Guards;
- (3) Redefining "guard" and specifying that "guard" shall not include any active duty federal, state, or county law enforcement officers or personnel;
- (4) Authorizing the Board of Private Detectives and Guards to issue principal guard licenses and establishing the requirements therefor;
- (5) Establishing requirements applicable to a firm applying for a guard agency license, including bond and principal guard requirements;
- (6) Allowing a guard agency to employ agents, operatives, and assistants in a guard capacity and specifying the management and other responsibilities of the principal guard in relation to the agency and its employees;
- (7) Establishing the qualification requirements applicable to employees of a guard agency who act in a guard capacity;
- (8) Establishing criminal history records check requirements for all new employees employed in a guard capacity;



- (9) Establishing the form of application for licensure and registration, including the information that must be provided by the applicant to enable the Board of Private Detectives and Guards to assess and, if necessary, investigate the background, character, competency, and integrity of the applicant;
- (10) Making the measure effective upon approval; provided that the section 1 of the measure shall take effect on July 1, 2013;
- (11) Repealing the Act on July 1, 2016; and
- (12) Making technical, nonsubstantive changes to ensure clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2165, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2165, S.D. 1, H.D. 2, C.D. 1.


Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



ROBERT N. HERKES, Co-Chair



ROSALYN H. BAKER, Chair



GILBERT KEITH-AGARAN, Co-Chair



