

Honolulu, Hawaii

March 17, 2010

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

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

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2165, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to ensure the competency and professionalism of security guards by establishing, effective July 1, 2013, educational, criminal history, and training requirements for guards and individuals acting in a guard capacity.

The Chief of Police for the County of Kauai and two concerned individuals testified in support of this bill. A concerned individual supported this measure with amendments. The Board of Private Detectives and Guards (Board), Retail Merchants of Hawaii, and a concerned individual opposed this bill. The University of Hawaii Community Colleges and a concerned individual provided comments.

Security guards provide critical protection for Hawaii's citizens by monitoring, patrolling, and inspecting property to protect against fire, theft, vandalism, and illegal activity. Given their essential role in protecting persons and property, your Committee finds it is important for those providing guard services to have appropriate vetting and training. This bill establishes registration requirements for those in the guard



industry to improve the quality of security guard services throughout the state.

Your Committee further notes that at its public hearing on this bill, there was discussion as to whether this measure applies to bouncers employed at, for example, nightclubs. The relevant law under Chapter 463, Hawaii Revised Statutes, defines the term "guard" as "a licensed uniformed or nonuniformed person responsible for the safekeeping of a client's properties and persons within contractually prescribed boundaries..." It therefore appears that the provisions of this bill apply to the extent that there are bouncers whose work duties reflect this definition.

Your Committee has amended this bill by:

- (1) Providing that the classroom instruction required by this bill must be provided by an employee, manager, or owner of a guard agency or other qualified third party if their course of study meets curricula approved by the Board. The Board must establish the course curricula by January 1, 2013;
- (2) Eliminating the requirement of eight hours of classroom instruction within the first six months of employment;
- (3) Lowering from eight hours to four hours, the amount of classroom instruction required annually;
- (4) Restoring the licensing requirements for guards under existing law. Licensed guards would still need to meet the requirements for registration applicable to non-licensed guard agency employees acting in a guard capacity; and
- (5) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2165, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2165, S.D. 1, H.D. 1, and be referred to the Committee on Finance.



Respectfully submitted on
behalf of the members of the
Committee on Consumer
Protection & Commerce,



ROBERT N. HERKES, Chair



