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# A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 52D-6, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "[+]§52D-6[+] Police force; employees[-]; disqualification  
4 or disciplinary action for officers convicted of domestic abuse.

5           (a) The chief of police may appoint officers and other  
6 employees under such rules and at such salaries as are  
7 authorized by law. Probationary appointment, suspension, and  
8 dismissal of officers and employees of the police department  
9 shall be as authorized by law.

10           (b) No person who has been convicted of or pled guilty or  
11 no contest to any domestic abuse offense shall be appointed as a  
12 police officer within the three years immediately following the  
13 date of the conviction or plea.

14           (c) The chief of police may suspend or dismiss any police  
15 officer who has been convicted of or pled guilty or no contest  
16 to any domestic abuse offense.

17           (d) For the purposes of this section, "domestic abuse  
18 offense" means:



- 1        (1) Abuse of a family or household member under section
- 2                709-906; or
- 3        (2) Any of the following offenses when committed against a
- 4                family or household member as defined in section 709-
- 5                906(1):
- 6                (A) Assault under sections 707-710, 707-711(1)(a) or
- 7                        (d), or 707-712(1)(a);
- 8                (B) Criminal property damage under sections 708-820
- 9                        to 708-823 committed with the intent to
- 10                       intimidate, threaten, or harass the family or
- 11                       household member;
- 12                (C) Harassment by stalking under section 711-1106.5;
- 13                       or
- 14                (D) Aggravated harassment by stalking under section
- 15                       711-1106.4."

16        SECTION 2. Section 353C-4, Hawaii Revised Statutes, is  
 17 amended to read as follows:

18        "**§353C-4 Appointment of employees with police powers and**  
 19 **other employees[-]; disqualification or disciplinary action for**  
 20 **public safety officers convicted of domestic abuse.** (a) The  
 21 director may appoint employees to be public safety officers who



1 shall have all of the powers of police officers; provided that  
2 ~~the~~:

3 (1) The director may establish and assign the employees to  
4 positions or categories of positions that may have  
5 differing titles, specific duties, and limitations  
6 upon the exercise of police powers[-];

7 (2) No person who has been convicted of or pled guilty or  
8 no contest to any domestic abuse offense shall be  
9 appointed as a public safety officer within the three  
10 years immediately following the date of the conviction  
11 or plea; and

12 (3) The director may suspend or dismiss any public safety  
13 officer who has been convicted of or pled guilty or no  
14 contest to any domestic abuse offense.

15 (b) The director may appoint other personnel necessary to  
16 carry out the functions of the department.

17 (c) The state law enforcement officers transferred from  
18 the department of the attorney general by Act 211, Session Laws  
19 of Hawaii 1989, shall be responsible for public safety in state  
20 buildings as well as the personal protection of government  
21 officials and employees while in the conduct of their duties.

22 The duties of state law enforcement officers shall also include



1 the service of process, including subpoenas, warrants, and other  
2 legal documents, and other duties as the director may assign,  
3 including the performance of duties of other public safety  
4 officers within the department. State law enforcement officers  
5 shall have all of the powers of police officers, including the  
6 power of arrest.

7 (d) For the purposes of this section, "domestic abuse  
8 offense" means:

9 (1) Abuse of a family or household member under section  
10 709-906; or

11 (2) Any of the following offenses when committed against a  
12 family or household member as defined in section 709-  
13 906(1):

14 (A) Assault under sections 707-710, 707-711(1)(a) or  
15 (d), or 707-712(1)(a);

16 (B) Criminal property damage under sections 708-820  
17 to 708-823 committed with the intent to  
18 intimidate, threaten, or harass the family or  
19 household member;

20 (C) Harassment by stalking under section 711-1106.5;  
21 or



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1            (D) Aggravated harassment by stalking under section  
 2            711-1106.4."

3            SECTION 3. This Act does not affect rights and duties that  
 4 matured, penalties that were incurred, and proceedings that were  
 5 begun before its effective date.

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

8            SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 17 2012



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**Report Title:**

Police Officers; Public Safety Officers; Domestic Abuse

**Description:**

Prohibits the appointment of police officers or public safety officers within three years of a domestic abuse conviction or plea. Authorizes the suspension or dismissal of police officers and public safety officers who commit domestic abuse.

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

