

JAN 25 2012

A BILL FOR AN ACT

RELATING TO PROBATION OFFICERS.

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

1 SECTION 1. The legislature finds that the job of a
2 probation officer within the State is an essential, yet at times
3 dangerous, occupation. Probation officers, by the very nature
4 of their jobs, must often perform a supervisory function in an
5 uncontrolled environment, over criminals who have been convicted
6 of violent crimes. Probation officers also provide an important
7 role to the Courts, as they make sentencing recommendations on
8 behalf of these violent offenders.

9 While the law requires that probation officers keep
10 informed of the conduct and condition of criminals and, while
11 within the scope of their duties, probation officers are granted
12 the powers of police officers, probation officers are not
13 entrusted with any form of protection or self-defense. The
14 State's oversight in failing to provide probation officers with
15 an authorized method of self-defense constricts the probation
16 officers' ability to properly and thoroughly perform their
17 duties and unduly places probation officers in hazardous



1 situations in the performance of their duties, and in their
2 private lives.

3 It is the purpose of this Act to authorize probation
4 officers to carry electric guns, upon completion of a State
5 approved training regimen as currently exists for law
6 enforcement officers, conservation and resources enforcement
7 officers of the department of land and natural resources, and
8 members of the army and air national guard when assisting civil
9 authorities in specific instances.

10 SECTION 1. Section 134-16, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§134-16 Restriction on possession, sale, gift, or**
13 **delivery of electric guns.** (a) It shall be unlawful for any
14 person, including a licensed manufacturer, licensed importer, or
15 licensed dealer, to possess, offer for sale, hold for sale,
16 sell, give, lend, or deliver any electric gun.

17 (b) Any electric gun in violation of subsection (a) shall
18 be confiscated and disposed of by the chief of police.

19 (c) This section shall not apply to:

20 (1) Law enforcement officers of county police departments;

21 (2) Law enforcement officers of the department of public
22 safety;



1 (3) Conservation and resources enforcement officers of the
2 department of land and natural resources;

3 (4) Members of the army or air national guard when
4 assisting civil authorities in disaster relief, civil
5 defense, or law enforcement functions, subject to the
6 requirements of section 121-34.5; [~~and~~]

7 (5) Probation officers, as provided in section 806.73,
8 Hawaii Revised Statutes;

9 ~~(5)~~ (6) Vendors providing electric guns to the
10 individuals described in paragraphs (1) through
11 ~~(4)~~ (5);

12 provided that electric guns shall at all times remain in the
13 custody and control of the law enforcement officers of the
14 county police departments, the law enforcement officers of the
15 department of public safety, the conservation and resources
16 enforcement officers of the department of land and natural
17 resources, [~~or~~] the members of the army or air national
18 guard~~[-]~~, or the probation officers.

19 (d) The county police departments of this State, the
20 department of public safety, the department of land and natural
21 resources, [~~and~~] the army and air national guard, and the
22 probation divisions shall maintain records regarding every



1 electric gun in their custody and control. The records shall
2 report every instance of usage of the electric guns; in
3 particular, records shall be maintained in a similar manner as
4 for those of discharging of firearms. The county police
5 departments, the department of public safety, the department of
6 land and natural resources, [~~and~~] the army and air national
7 guard, and the probation divisions shall annually report to the
8 legislature regarding these records no later than twenty days
9 before the beginning of each regular session of the legislature.

10 (e) The department of land and natural resources [~~and~~],
11 the department of public safety, and the probation divisions
12 shall ensure that each of their conservation and resources
13 enforcement officers [~~and~~], law enforcement officers, and
14 probation officers who is authorized to use an electric gun and
15 related equipment shall first receive training from the
16 manufacturer or from a manufacturer-approved training program,
17 as well as by manufacturer-certified or approved instructors in
18 the use of electric guns prior to deployment of the electric
19 guns and related equipment in public. Training for conservation
20 and resources enforcement officers of the department of land and
21 natural resources [~~and~~], law enforcement officers of the



1 department of public safety, and probation officers may be done
2 concurrently to ensure cost savings.

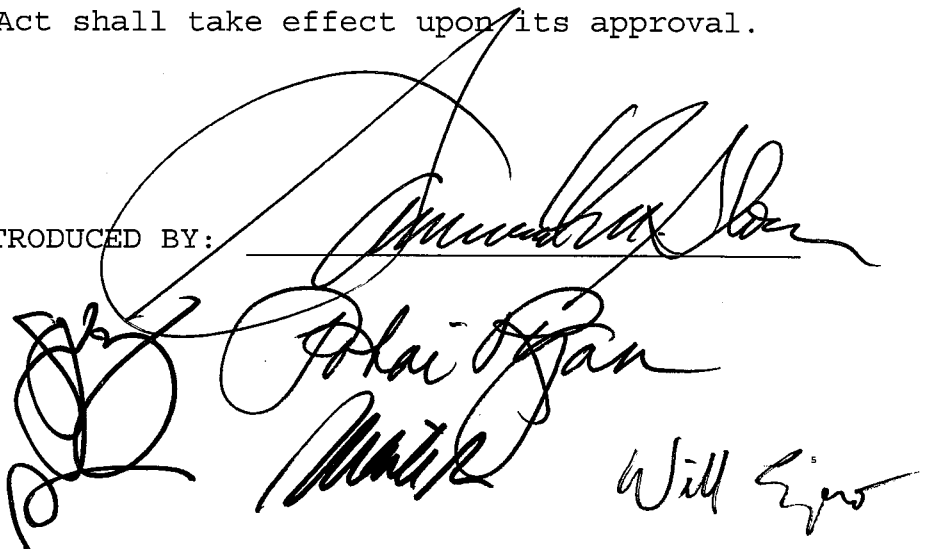
3 (f) The conservation and resources enforcement program of
4 the department of land and natural resources shall meet the law
5 enforcement accreditation or recognition standards of the
6 Commission on Accreditation for Law Enforcement Agencies, Inc.,
7 in the use of electric guns prior to obtaining electric guns,
8 related equipment, and training for the use of the electric
9 guns.

10 (g) Probation officers are authorized to carry and use
11 only those electric guns issued to them by their respective
12 probation divisions and probation officers are authorized to
13 carry the issued electric guns both while on duty and while off
14 duty."

15 SECTION 2. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 3. This Act shall take effect upon its approval.

18
19 INTRODUCED BY:



S.B. NO. 2955

Report Title:

Probation officers; Electric guns

Description:

Provides that probation officers are permitted to carry electric guns for protection.

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

