
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 failure to provide probation officers with an authorized
15 method of self-defense constricts the probation officers'
16 ability to properly and thoroughly perform their duties and
17 unduly places probation officers in hazardous situations in the
18 performance of their duties and in their private lives.



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

8 SECTION 2. Section 134-16, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§134-16 Restriction on possession, sale, gift, or**
11 **delivery of electric guns.** (a) It shall be unlawful for any
12 person, including a licensed manufacturer, licensed importer, or
13 licensed dealer, to possess, offer for sale, hold for sale,
14 sell, give, lend, or deliver any electric gun.

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

17 (c) This section shall not apply to:

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

19 (2) Law enforcement officers of the department of public
20 safety;

21 (3) Conservation and resources enforcement officers of the
22 department of land and natural resources;



1 (4) Members of the army or air national guard when
2 assisting civil authorities in disaster relief, civil
3 defense, or law enforcement functions, subject to the
4 requirements of section 121-34.5; [~~and~~]
5 (5) Probation officers, in performance of their duties
6 under section 806-73; and
7 ~~(5)~~ (6) Vendors providing electric guns to the
8 individuals described in paragraphs (1) through ~~(4)~~
9 (5);
10 provided that electric guns shall at all times remain in the
11 custody and control of the law enforcement officers of the
12 county police departments, the law enforcement officers of the
13 department of public safety, the conservation and resources
14 enforcement officers of the department of land and natural
15 resources, ~~or~~ the members of the army or air national
16 guard~~[-]~~, or the probation officers.
17 (d) The county police departments of this State, the
18 department of public safety, the department of land and natural
19 resources, [~~and~~] the army and air national guard, and the
20 probation division of the courts shall maintain records
21 regarding every electric gun in their custody and control. The
22 records shall report every instance of usage of the electric



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

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



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

8 (g) Probation officers are authorized to carry and use
9 only those electric guns issued to them by the probation
10 division of the courts, and probation officers are authorized to
11 carry the issued electric guns while on duty and while off
12 duty."

13 SECTION 3. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Probation Officers; Electric Guns

Description:

Authorizes probation officers to carry and use electric guns under certain conditions. (SD1)

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