

1 § -2 **Creation of council; composition.** (a) There is
2 created in the department of the attorney general, for
3 administrative purposes only, the law enforcement standards
4 board, which shall consist of the following ex officio voting
5 members, or their designees:

- 6 (1) The chiefs of police of the four counties;
- 7 (2) The director of public safety;
- 8 (3) The director of transportation; and
- 9 (4) The chair of the board of land and natural resources.

10 In addition to the ex officio members, one public member from
11 each of the four counties shall be appointed by the governor, in
12 accordance with section 26-34.

13 (b) The board shall select a chairperson and vice
14 chairperson from among its members.

15 (c) The public members of the board shall receive no
16 salary, but shall be entitled to reimbursement for necessary
17 expenses, including travel expenses.

18 § -3 **Powers.** The board shall have the power to do as
19 follows:

- 20 (1) Adopt rules in accordance with chapter 91 to implement
21 this chapter;



- 1 (2) Establish minimum standards for employment as a law
2 enforcement officer and certify persons to be
3 qualified as law enforcement officers;
- 4 (3) Establish minimum criminal justice curriculum
5 requirements for basic, specialized, and in-service
6 courses and programs for schools operated by or for
7 the State or a county for the specific purpose of
8 training law enforcement officers;
- 9 (4) Consult and cooperate with the counties, agencies of
10 the state, other governmental agencies, universities,
11 colleges, and other institutions concerning the
12 development of law enforcement officer training
13 schools and programs of criminal justice instruction;
- 14 (5) Employ, subject to chapter 76, an administrator and
15 other persons necessary to carry out its duties under
16 this chapter;
- 17 (6) Investigate when there is reason to believe that a law
18 enforcement officer does not meet the minimum
19 standards for employment, and in so doing, may
20 subpoena persons, books, records, or documents related
21 to the investigation and require answers in writing



1 under oath to questions asked by the council or the
2 administrator;

3 (7) Establish and require participation in continuing
4 education programs for law enforcement officers;

5 (8) Charge and collect fees for applications for
6 certification as a law enforcement officer.

7 § -4 **Law enforcement standards board special fund;**
8 **established.** There is established in the state treasury the law
9 enforcement standards board special fund. The revenues of the
10 special fund shall consist of appropriations made by the
11 legislature, fees charged by the board, grants, gifts, and
12 interest on moneys deposited in the special fund. The special
13 fund shall be used to defray the expenses of the board in
14 implementing this chapter.

15 § -5 **Training programs.** The board shall establish and
16 maintain law enforcement training programs through agencies and
17 institutions deemed appropriate by the board for applications
18 for certification.

19 § -6 **Standards.** (a) No person may be appointed as a
20 law enforcement officer unless the person:

21 (1) Has satisfactorily completed a basic program of law
22 enforcement training approved by the board; and



1 (2) Possesses other qualifications that the board has
2 established for the employment of law enforcement
3 officers, including minimum age, education, physical
4 and mental standards, citizenship, moral character,
5 and experience.

6 (b) The board shall issue a certificate evidencing
7 satisfaction of the requirements of this section to an applicant
8 who satisfies the requirements of subsection (a) or
9 satisfactorily completes a program or course of instruction in
10 another jurisdiction equivalent in content and quality to that
11 required under subsection (a).

12 (c) The board may deny or revoke the certificate of an
13 applicant or law enforcement officer who fails to meet or
14 maintain the standards required under this section (a).

15 § -7 **Employment of law enforcement officers.** (a)
16 Except as provided under subsection (b), no person may be
17 appointed as a law enforcement officer by any county police
18 department, the department of public safety, the department of
19 transportation, or the department of land and natural resources,
20 unless the person has a valid certificate issued by the board
21 under section -6.

1 (b) This section shall not apply to a person employed on a
 2 probationary basis, except that employment on a probationary
 3 basis may not exceed the period authorized for probationary
 4 employment as determined by the board."

5 SECTION 2. There is appropriated out of the general
 6 revenues of the State of Hawaii the sum of \$ or so much
 7 thereof as may be necessary for fiscal year 2014-2015 for
 8 deposit into the law enforcement standards board special fund.

9 SECTION 3. There is appropriated out of the law
 10 enforcement standards board special fund the sum of \$
 11 or so much thereof as may be necessary for fiscal year 2014-2015
 12 for the purposes of this Act.

13 The sum appropriated shall be expended by the department of
 14 the attorney general for the purposes of this Act.

15 SECTION 4. All rights, powers, functions, and duties of
 16 the department of land and natural resources, the department of
 17 transportation, and the police departments of the several
 18 counties relating to law enforcement standards are transferred
 19 to the department of the attorney general.

20 All officers and employees whose functions are transferred
 21 by this Act shall be transferred with their functions and shall

1 continue to perform their regular duties upon their transfer,
2 subject to the state personnel laws and this Act.

3 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and such officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided that subsequent changes
11 in status may be made pursuant to applicable civil service and
12 compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that such officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 5. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of land and natural
13 resources, the department of transportation, and the police
14 departments of the several counties relating to the functions
15 transferred to the department of the attorney general shall be
16 transferred with the functions to which they relate.

17 SECTION 6. All rules, policies, procedures, guidelines,
18 and other material adopted or developed by the department of
19 land and natural resources, the department of transportation,
20 and the police departments of the several counties to implement
21 provisions of the Hawaii Revised Statutes which are reenacted or
22 made applicable to the department of the attorney general by



1 this Act, shall remain in full force and effect until amended or
 2 repealed by the department of the attorney general pursuant to
 3 chapter 91, Hawaii Revised Statutes. In the interim, every
 4 reference to the department of land and natural resources, the
 5 department of transportation, and a police department of any of
 6 the several counties or the chair of the board of land and
 7 natural resources, the director of transportation, or the chief
 8 of police of any of the several counties in those rules,
 9 policies, procedures, guidelines, and other material is amended
 10 to refer to the department of the attorney general or the
 11 attorney general as appropriate.

12 SECTION 7. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 8. This Act shall take effect on July 1, 2014;
 16 provided that the prohibition against the employment of
 17 noncertificated law enforcement officers established under
 18 section -7 contained in section 1 of this Act shall not take
 19 effect until July 1, 2015.

20

INTRODUCED BY:



JAN 17 2014



H.B. NO. 1803

Report Title:

Law Enforcement Standards Board; Special Fund; Appropriations

Description:

Establishes a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers. Establishes a special fund. Appropriates funds.

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