
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. Section 26-14.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-14.6 Department of public safety.** (a) The
4 department of public safety shall be headed by a single
5 executive to be known as the director of public safety.

6 (b) The department of public safety shall be responsible
7 for the formulation and implementation of state policies and
8 objectives for correctional, security, law enforcement, and
9 public safety programs and functions, for the administration and
10 maintenance of all public or private correctional facilities and
11 services, for the service of process, and for the security of
12 state buildings.

13 (c) Effective July 1, 1990, the Hawaii paroling authority
14 and the crime victim compensation commission are placed within
15 the department of public safety for administrative purposes
16 only.

17 (d) Effective July 1, 1990, the functions and authority
18 heretofore exercised by:



- 1 (1) The department of corrections relating to adult
2 corrections and the intake service centers;
- 3 (2) The judiciary relating to the sheriff's office and
4 judiciary security personnel; and
- 5 (3) The department of the attorney general relating to
6 state law enforcement officers and narcotics
7 enforcement investigators with the narcotics
8 enforcement division,

9 shall be transferred to the department of public safety.

10 (e) Effective July 1, 1990, the functions and authority
11 heretofore exercised by the department of health pursuant to
12 chapters 329 and 329C, with the exception of sections 329-2,
13 329-3, and 329-4(3) to (8), shall be transferred to the
14 department of public safety.

15 (f) Effective July 1, 1990, the functions, authority, and
16 obligations, together with the limitations imposed thereon and
17 the privileges and immunities conferred thereby, exercised by a
18 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
19 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
20 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
21 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
22 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,



1 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,
2 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
3 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
4 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
5 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
6 exercised to the same extent by the department of public safety.

7 (g) Effective January 1, 1993, the functions and authority
8 heretofore exercised by the attorney general and the department
9 of the attorney general relating to the executive security
10 officers shall be transferred to the department of public
11 safety.

12 (h) Effective July 1, 1999, the functions and authority
13 heretofore exercised by the director of public safety and the
14 department of public safety relating to after hours security
15 contracts at department of education facilities, except for the
16 security functions being performed by employees of the public
17 library system as well as the contractual security services for
18 the libraries, shall be transferred to the department of
19 education.

20 (i) Effective January 1, 1993, the functions and authority
21 heretofore exercised by the director of health and the
22 department of health relating to uniformed security employees



1 and security contracts at various state hospitals throughout the
2 State shall be transferred to the department of public safety.
3 Effective July 1, 2005, the functions, authority, and employee
4 positions of the department of public safety relating to
5 uniformed security employees and security contracts at health
6 facilities that are under the operation, management, and control
7 of the Hawaii health systems corporation shall be transferred to
8 the Hawaii health systems corporation.

9 (j) Effective January 1, 1993, the functions and authority
10 heretofore exercised by the director of human services and the
11 department of human services relating to contractual security
12 guard services shall be transferred to the department of public
13 safety.

14 (k) Effective July 1, 1994, the functions and authority
15 heretofore exercised by the adjutant general relating to
16 security for national guard and state civil defense facilities
17 in the Diamond Head complex, for after work hours, shall be
18 transferred to the department of public safety.

19 (l) Effective July 1, 2002, the functions and authority
20 heretofore exercised by the director of public safety and the
21 department of public safety relating to after hours security
22 contracts at department of education facilities, including all



1 security functions being performed by employees of the public
2 library system, as well as the contractual security services for
3 the libraries, shall be transferred to the department of
4 education and the public library system as appropriate.

5 (m) Effective July 1, 2016, the functions and authority
6 exercised by the director of transportation relating to harbors
7 law enforcement shall be transferred to the department of public
8 safety."

9 SECTION 2. Section 26-19, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§26-19 Department of transportation.** The department of
12 transportation shall be headed by a single executive to be known
13 as the director of transportation. The department shall
14 establish, maintain, and operate transportation facilities of
15 the State, including highways, airports, harbors, and such other
16 transportation facilities and activities as may be authorized by
17 law.

18 The department shall plan, develop, promote, and coordinate
19 various transportation systems management programs that shall
20 include, but not be limited to, alternate work and school hours
21 programs, bicycling programs, and ridesharing programs.



1 The department shall develop and promote ridesharing
2 programs which shall include but not be limited to, carpool and
3 vanpool programs, and may assist organizations interested in
4 promoting similar programs, arrange for contracts with private
5 organizations to manage and operate these programs, and assist
6 in the formulation of ridesharing arrangements. Ridesharing
7 programs include informal arrangements in which two or more
8 persons ride together in a motor vehicle.

9 The functions and authority heretofore exercised by the
10 department of public works with respect to highways are
11 transferred to the department of transportation established by
12 this chapter.

13 Effective July 1, 2016, the functions and authority
14 exercised by the director of transportation relating to harbors
15 law enforcement shall be transferred to the department of public
16 safety.

17 On July 1, 1961, the Hawaii aeronautics commission, the
18 board of harbor commissioners and the highway commission shall
19 be abolished and their remaining functions, duties, and powers
20 shall be transferred to the department of transportation."

21 SECTION 3. Section 266-29, Hawaii Revised Statutes, is
22 amended to read as follows:



- 1 "~~§~~266-29~~§~~ State harbors civil violations system;
2 **authorization.** (a) There is established, within the department
3 of transportation, a state harbors civil violations system,
4 whose purpose shall be to process violations of departmental
5 regulations for which administrative penalties have been
6 authorized by law or rules adopted thereunder.
- 7 (b) The department of transportation shall adopt, amend,
8 and repeal rules, subject to chapter 91, for the purposes of
9 this section.
- 10 (c) Rules adopted pursuant to subsection (b) may include,
11 but are not limited to, the following:
- 12 (1) Requirements for notice of state harbors infraction;
13 (2) A form of the answer that shall be made pursuant to a
14 notice of state harbors infraction, which answer may
15 be an admission of the infraction, a denial of the
16 infraction, or an admission of the infraction with
17 mitigating circumstances;
- 18 (3) The action to be taken after an answer is received or
19 when a person fails to answer the notice of state
20 harbors infraction;
- 21 (4) Procedures for administrative hearings under this
22 section;



1 (5) The imposition and enforcement of monetary assessments
2 made pursuant to this section; and

3 (6) Means of assuring that the alleged violator who
4 answers the notice of state harbors infraction by an
5 admission of the infraction or an admission of the
6 infraction with mitigating circumstances has knowingly
7 and voluntarily elected to use the state harbors civil
8 violations system and waive the appeal provided for in
9 section 91-14.

10 (d) Notwithstanding any other provision of law to the
11 contrary, all state harbors infractions that the department of
12 transportation identifies as subject to administrative penalties
13 may be adjudicated pursuant to this section.

14 (e) Effective July 1, 2016, the issuance of citations or
15 notices of infractions of the state harbors civil violations
16 system shall be under the jurisdiction of the department of
17 public safety. All other functions and responsibilities shall
18 remain with the department of transportation."

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

21 **"§353C-2 Director of public safety; powers and duties.**

22 [+](a)[+] The director of public safety shall administer the



1 public safety programs of the department of public safety and
2 shall be responsible for the formulation and implementation of
3 state goals and objectives for correctional and law enforcement
4 programs, including ensuring that correctional facilities and
5 correctional services meet the present and future needs of
6 persons committed to the correctional facilities. In the
7 administration of these programs, the director may:

- 8 (1) Preserve the public peace, prevent crime, detect and
9 arrest offenders against the law, protect the rights
10 of persons and property, and enforce and prevent
11 violation of all laws and administrative rules of the
12 State as the director deems to be necessary or
13 desirable or upon request, to assist other state
14 officers or agencies that have primary administrative
15 responsibility over specific subject matters or
16 programs;
- 17 (2) Train, equip, maintain, and supervise the force of
18 public safety officers, including law enforcement and
19 correctional personnel, and other employees of the
20 department;
- 21 (3) Serve process both in civil and criminal proceedings;
- 22 (4) Perform other duties as may be required by law;



- 1 (5) Adopt, pursuant to chapter 91, rules that are
2 necessary or desirable for the administration of
3 public safety programs; and
- 4 (6) Enter into contracts in behalf of the department and
5 take all actions deemed necessary and appropriate for
6 the proper and efficient administration of the
7 department.
- 8 (b) Effective July 1, 2016:
- 9 (1) There shall be established a harbors section within
10 the department of public safety;
- 11 (2) The functions and authority heretofore exercised by
12 the director of transportation relating to harbors law
13 enforcement shall be transferred to the department of
14 public safety; and
- 15 (3) Harbor police officers shall meet the qualifications
16 established in accordance with section 353C-9, for
17 sheriffs of the department of public safety.
- 18 [~~(b)~~] (c) The department of public safety shall report
19 to the legislature not later than twenty days prior to the
20 commencement of the 2008 regular session, and every session
21 thereafter, with its achievements, continuing improvements, and



1 ongoing problems in providing the appropriate mental health care
2 to committed persons under its jurisdiction."

3 SECTION 5. Section 353C-4, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The director may appoint employees to be public
6 safety officers who shall have all of the powers of police
7 officers; provided that the director may establish and assign
8 the employees to positions or categories of positions that may
9 have differing titles, specific duties, and limitations upon the
10 exercise of police powers[-]; provided further that all officers
11 assigned to carry out law enforcement functions at state harbors
12 shall meet the qualifications established for sheriffs of the
13 department."

14 SECTION 6. All rights, powers, functions, and duties of
15 the department of transportation, harbors division related to
16 law enforcement are transferred to the department of public
17 safety.

18 All employees who occupy civil service positions and whose
19 functions are transferred to the department of public safety by
20 this Act shall retain their civil service status, whether
21 permanent or temporary. Employees shall be transferred without
22 loss of salary, seniority (except as prescribed by applicable



1 collective bargaining agreements), retention points, prior
2 service credit, any vacation and sick leave credits previously
3 earned, and other rights, benefits, and privileges, in
4 accordance with state personnel laws and this Act; provided that
5 the employees possess the minimum qualifications and public
6 employment requirements for the class or position to which
7 transferred or appointed, as applicable; provided further that
8 subsequent changes in status may be made pursuant to applicable
9 civil service and compensation laws.

10 Any employee who, prior to this Act, is exempt from civil
11 service and is transferred as a consequence of this Act may
12 retain the employee's exempt status, but shall not be appointed
13 to a civil service position as a consequence of this Act. An
14 exempt employee who is transferred by this Act shall not suffer
15 any loss of prior service credit, vacation or sick leave credits
16 previously earned, or other employee benefits or privileges as a
17 consequence of this Act; provided that the employee possesses
18 legal and public employment requirements for the position to
19 which transferred or appointed, as applicable; provided further
20 that subsequent changes in status may be made pursuant to
21 applicable employment and compensation laws. The director of
22 public safety may prescribe the duties and qualifications of



1 these employees and fix their salaries without regard to chapter
2 76, Hawaii Revised Statutes.

3 SECTION 7. All appropriations, records, equipment,
4 machines, files, supplies, contracts, books, papers, documents,
5 maps, and other personal property heretofore made, used,
6 acquired, or held by the department of transportation relating
7 to the functions transferred to the department of public safety
8 shall be transferred with the functions to which they relate.

9 SECTION 8. The director of public safety, in cooperation
10 with the director of transportation shall submit a report to the
11 legislature, including findings, recommendations, and updates on
12 the transference of functions and authority of harbors law
13 enforcement from the department of transportation to the
14 department of public safety, no later than twenty days prior to
15 the convening of the regular session of 2016.

16 SECTION 9. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 10. This Act shall take effect on July 1, 2014.



Report Title:

Harbor Police; Department of Public Safety; Transfer

Description:

Transfers the law enforcement functions of the Harbors Division of the department of transportation to the department of public safety as of July 1, 2016. (CD1)

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