
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:

6 (1) There shall be established a harbors division within
7 the department of public safety;

8 (2) The functions and authority heretofore exercised by
9 the director of transportation relating to harbors law
10 enforcement shall be transferred to the department of
11 public safety; and

12 (3) Harbor police officers shall meet the qualifications
13 established in accordance with section 353C-9, for
14 sheriffs of the department of public safety."

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

17 "**§26-19 Department of transportation.** The department of
18 transportation shall be headed by a single executive to be known
19 as the director of transportation. The department shall
20 establish, maintain, and operate transportation facilities of
21 the State, including highways, airports, harbors, and such other



1 transportation facilities and activities as may be authorized by
2 law.

3 The department shall plan, develop, promote, and coordinate
4 various transportation systems management programs that shall
5 include, but not be limited to, alternate work and school hours
6 programs, bicycling programs, and ridesharing programs.

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

15 The functions and authority heretofore exercised by the
16 department of public works with respect to highways are
17 transferred to the department of transportation established by
18 this chapter.

19 No later than July 1, 2016, the harbors law enforcement
20 functions of the department of transportation shall be
21 transferred to the department of public safety.



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

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

7 "[~~§~~266-29] **State harbors civil violations system;**
8 **authorization.** (a) There is established, within the department
9 of transportation, a state harbors civil violations system,
10 whose purpose shall be to process violations of departmental
11 regulations for which administrative penalties have been
12 authorized by law or rules adopted thereunder.

13 (b) The department of transportation shall adopt, amend,
14 and repeal rules, subject to chapter 91, for the purposes of
15 this section.

16 (c) Rules adopted pursuant to subsection (b) may include,
17 but are not limited to, the following:

- 18 (1) Requirements for notice of state harbors infraction;
19 (2) A form of the answer that shall be made pursuant to a
20 notice of state harbors infraction, which answer may
21 be an admission of the infraction, a denial of the



- 1 infraction, or an admission of the infraction with
2 mitigating circumstances;
- 3 (3) The action to be taken after an answer is received or
4 when a person fails to answer the notice of state
5 harbors infraction;
- 6 (4) Procedures for administrative hearings under this
7 section;
- 8 (5) The imposition and enforcement of monetary assessments
9 made pursuant to this section; and
- 10 (6) Means of assuring that the alleged violator who
11 answers the notice of state harbors infraction by an
12 admission of the infraction or an admission of the
13 infraction with mitigating circumstances has knowingly
14 and voluntarily elected to use the state harbors civil
15 violations system and waive the appeal provided for in
16 section 91-14.
- 17 (d) Notwithstanding any other provision of law to the
18 contrary, all state harbors infractions that the department of
19 transportation identifies as subject to administrative penalties
20 may be adjudicated pursuant to this section.



1 (e) Effective July 1, 2016, the enforcement of this
2 section shall be under the jurisdiction of the department of
3 public safety."

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

6 "**§353C-2 Director of public safety; powers and duties.**

7 [+](a)[+] The director of public safety shall administer the
8 public safety programs of the department of public safety and
9 shall be responsible for the formulation and implementation of
10 state goals and objectives for correctional and law enforcement
11 programs, including ensuring that correctional facilities and
12 correctional services meet the present and future needs of
13 persons committed to the correctional facilities. In the
14 administration of these programs, the director may:

15 (1) Preserve the public peace, prevent crime, detect and
16 arrest offenders against the law, protect the rights
17 of persons and property, and enforce and prevent
18 violation of all laws and administrative rules of the
19 State as the director deems to be necessary or
20 desirable or upon request, to assist other state
21 officers or agencies that have primary administrative



- 1 responsibility over specific subject matters or
2 programs;
- 3 (2) Train, equip, maintain, and supervise the force of
4 public safety officers, including law enforcement and
5 correctional personnel, and other employees of the
6 department;
- 7 (3) Serve process both in civil and criminal proceedings;
- 8 (4) Perform other duties as may be required by law;
- 9 (5) Adopt, pursuant to chapter 91, rules that are
10 necessary or desirable for the administration of
11 public safety programs; and
- 12 (6) Enter into contracts in behalf of the department and
13 take all actions deemed necessary and appropriate for
14 the proper and efficient administration of the
15 department.
- 16 (b) Effective July 1, 2016:
- 17 (1) There shall be established a harbors division within
18 the department of public safety;
- 19 (2) The functions and authority heretofore exercised by
20 the director of transportation relating to harbors law
21 enforcement shall be transferred to the department of
22 public safety; and



1 (3) Harbor police officers shall meet the qualifications
2 established in accordance with section 353C-9, for
3 sheriffs of the department of public safety.

4 ~~[(b)]~~ (c) The department of public safety shall report to
5 the legislature not later than twenty days prior to the
6 commencement of the 2008 regular session, and every session
7 thereafter, with its achievements, continuing improvements, and
8 ongoing problems in providing the appropriate mental health care
9 to committed persons under its jurisdiction."

10 SECTION 5. All rights, powers, functions, and duties of
11 law enforcement of the department of transportation, harbors
12 division, are transferred to the department of public safety.

13 All employees who occupy civil service positions and whose
14 functions are transferred to the department of public safety by
15 this Act shall retain their civil service status, whether
16 permanent or temporary. Employees shall be transferred without
17 loss of salary, seniority (except as prescribed by applicable
18 collective bargaining agreements), retention points, prior
19 service credit, any vacation and sick leave credits previously
20 earned, and other rights, benefits, and privileges, in
21 accordance with state personnel laws and this Act; provided that
22 the employees possess the minimum qualifications and public



1 employment requirements for the class or position to which
2 transferred or appointed, as applicable; provided further that
3 subsequent changes in status may be made pursuant to applicable
4 civil service and compensation laws.

5 Any employee who, prior to this Act, is exempt from civil
6 service and is transferred as a consequence of this Act may
7 retain the employee's exempt status, but shall not be appointed
8 to a civil service position as a consequence of this Act. An
9 exempt employee who is transferred by this Act shall not suffer
10 any loss of prior service credit, vacation or sick leave credits
11 previously earned, or other employee benefits or privileges as a
12 consequence of this Act; provided that the employee possesses
13 legal and public employment requirements for the position to
14 which transferred or appointed, as applicable; provided further
15 that subsequent changes in status may be made pursuant to
16 applicable employment and compensation laws. The director of
17 public safety may prescribe the duties and qualifications of
18 these employees and fix their salaries without regard to chapter
19 76, Hawaii Revised Statutes.

20 SECTION 6. All appropriations, records, equipment,
21 machines, files, supplies, contracts, books, papers, documents,
22 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of transportation relating
2 to the functions transferred to the department of public safety
3 shall be transferred with the functions to which they relate.

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

6 SECTION 8. This Act shall take effect on July 1, 2050.



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. Effective 07/01/2050. (SD2)

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

