

# S.B. NO. 2897

JAN 23 2014

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## A BILL FOR AN ACT

RELATING TO DEPARTMENT OF TAXATION CRIMINAL INVESTIGATORS.

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

1           SECTION 1. Section 231-4.3, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§231-4.3 Investigators; appointment and powers.** (a) The  
4 director may appoint and commission one or more investigators as  
5 the exigencies of the public service may require. Persons  
6 appointed and commissioned under this section shall have and may  
7 exercise all of the powers and authority and the benefits and  
8 privileges of a police officer or of a deputy sheriff, including  
9 the power to arrest [~~provided that such powers shall remain in~~  
10 ~~force and effect only while in actual performance of their~~  
11 ~~duties]~~. These investigators shall consist of personnel whose  
12 primary duty is to conduct investigations as directed by the  
13 director, and as authorized by law. Persons appointed and  
14 commissioned under this section [~~shall~~] may be exempt from  
15 chapter 76.

16           (b) Criminal investigators who are subject to chapter 76  
17 shall also have and may exercise all of the powers and authority

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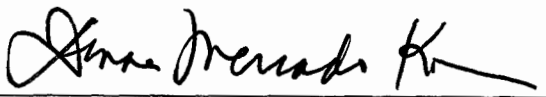
1 and the benefits and privileges of a police officer or of a  
2 deputy sheriff, including the power to arrest.

3 (c) The director of taxation may adopt rules pursuant to  
4 chapter 91 to implement this section."

5 SECTION 2. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall be effective upon approval.

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INTRODUCED BY: 

BY REQUEST

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**Report Title:**

Taxation; Criminal Investigators

**Description:**

Clarify that Department of Taxation criminal investigators who are subject to chapter 76, Hawaii Revised Statutes, also have police powers.

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

JUSTIFICATION SHEET

DEPARTMENT: Taxation

TITLE: A BILL FOR AN ACT RELATING TO DEPARTMENT OF TAXATION CRIMINAL INVESTIGATORS.

PURPOSE: Clarifies that exempt and civil service investigators have the same police powers.

MEANS: Amend section 231-4.3, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The Department's criminal investigation unit is structured in a way that the supervisor is a civil service employee. Section 231-4.3, HRS, only grants police powers to the civil service exempt criminal investigators.

Impact on the public: The public will benefit from the clarification because it will be clear that all Department criminal investigators have the same police powers.

Impact on the department and other agencies: The department will be benefit because the supervisor of the criminal investigation unit will have the same police powers as the criminal investigators that he or she supervises.

GENERAL FUND: Pending.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.