
A BILL FOR AN ACT

RELATING TO A LAW ENFORCEMENT STANDARDS BOARD.

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

1 SECTION 1. The legislature finds that it is the role of
2 the State to oversee and regulate those professions and
3 occupations that have a significant impact on society. The
4 legislature further finds that more should be done by the State
5 to provide standards and uniformity for law enforcement
6 statewide. A recent example was the law recently enacted by the
7 legislature to regulate private security guards.

8 Given the immense authority, such as the power to search,
9 arrest, and use deadly force, that the State and counties grant
10 to police, sheriffs, and other law enforcement officers, the
11 State must enact a law that certifies law enforcement officers
12 to ensure the highest standards of professionalism and bring
13 uniformity of standards throughout our islands.

14 Hawaii is the only state in the country without any state-
15 level regulation of law enforcement officers. Regulation is
16 left to the counties. Hawaii is only one of six states that
17 does not establish minimum standards required to be a police



1 officer and does not have any procedure for revoking a police
2 officer's certification for serious misconduct.

3 The purpose of this Act is to establish a law enforcement
4 standards board for the certification of county police officers,
5 state public safety officers, and employees of the departments
6 of transportation and land and natural resources with police
7 powers.

8 SECTION 2. The Hawaii Revised Statutes is amended by
9 adding a new chapter to be appropriately designated and to read
10 as follows:

11 "CHAPTER

12 LAW ENFORCEMENT STANDARDS BOARD

13 § -1 **Definitions.** As used in this chapter, unless the
14 context clearly indicates otherwise, the following terms shall
15 mean as follows:

16 "Board" means the law enforcement standards board.

17 "Law enforcement officer" means:

18 (1) A police officer employed by a county police
19 department;

20 (2) A public safety officer employed by the department of
21 public safety; or



1 (3) An employee of the department of transportation or the
2 department of land and natural resources who is
3 conferred by law with general police powers.

4 § -2 **Creation of law enforcement standards board;**

5 **composition.** (a) There is created in the department of the
6 attorney general, for administrative purposes only, the law
7 enforcement standards board, which shall consist of the
8 following ex officio voting members, or their designees:

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

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

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

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



1 § **-3 Powers.** The board shall have the power to do as
2 follows:

3 (1) Adopt rules in accordance with chapter 91 to implement
4 this chapter;

5 (2) Establish minimum standards for employment as a law
6 enforcement officer and certify persons to be
7 qualified as law enforcement officers;

8 (3) Establish minimum criminal justice curriculum
9 requirements for basic, specialized, and in-service
10 courses and programs for schools operated by or for
11 the State or a county for the specific purpose of
12 training law enforcement officers;

13 (4) Consult and cooperate with the counties, agencies of
14 the state, other governmental agencies, universities,
15 colleges, and other institutions concerning the
16 development of law enforcement officer training
17 schools and programs of criminal justice instruction;

18 (5) Employ, subject to chapter 76, an administrator and
19 other persons necessary to carry out its duties under
20 this chapter;



1 (6) Investigate when there is reason to believe that a law
2 enforcement officer does not meet the minimum
3 standards for employment, and in so doing, may
4 subpoena persons, books, records, or documents related
5 to the investigation and require answers in writing
6 under oath to questions asked by the council or the
7 administrator;

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

10 (8) Charge and collect fees for applications for
11 certification as a law enforcement officer; and

12 (9) Establish procedures to revoke a certification issued
13 pursuant to section -6(b) for serious misconduct.

14 § -4 **Law enforcement standards board special fund;**

15 **established.** There is established in the state treasury the law
16 enforcement standards board special fund. The revenues of the
17 special fund shall consist of appropriations made by the
18 legislature, fees charged by the board, grants, gifts, and
19 interest on moneys deposited in the special fund. The special
20 fund shall be used to defray the expenses of the board in
21 implementing this chapter.



1 § -5 **Training programs.** The board shall establish and
2 maintain law enforcement training programs through agencies and
3 institutions deemed appropriate by the board for applications
4 for certification.

5 § -6 **Standards.** (a) No person may be appointed as a
6 law enforcement officer unless the person:

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

9 (2) Possesses other qualifications that the board has
10 established for the employment of law enforcement
11 officers, including minimum age, education, physical
12 and mental standards, citizenship, good conduct, moral
13 character, and experience.

14 (b) The board shall issue a certificate evidencing
15 satisfaction of the requirements of this section to an applicant
16 who satisfies the requirements of subsection (a) or
17 satisfactorily completes a program or course of instruction in
18 another jurisdiction equivalent in content and quality to that
19 required under subsection (a).



1 (c) The board may deny or revoke the certificate of an
2 applicant or law enforcement officer who fails to meet or
3 maintain the standards required under subsection (a).

4 § -7 **Employment of law enforcement officers.** (a) After
5 June 30, 2016, no person may be appointed as a law enforcement
6 officer by any county police department, the department of
7 public safety, the department of transportation, or the
8 department of land and natural resources, unless the person has
9 a valid certificate issued by the board under section -6.

10 (b) This section shall not apply to a person employed on a
11 probationary basis, except that employment on a probationary
12 basis may not exceed the period authorized for probationary
13 employment as determined by the board."

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$ or so much
16 thereof as may be necessary for fiscal year 2015-2016 and the
17 same sum or so much thereof as may be necessary for fiscal year
18 2016-2017 for deposit into the law enforcement standards board
19 special fund.



1 SECTION 4. There is appropriated out of the law
2 enforcement standards board special fund the sum of \$
3 or so much thereof as may be necessary for fiscal year 2015-2016
4 and the same sum or so much thereof as may be necessary for
5 fiscal year 2016-2017 for the purposes of this Act.

6 The sums appropriated shall be expended by the department
7 of the attorney general for the purposes of this Act.

8 SECTION 5. All rights, powers, functions, and duties of
9 the department of land and natural resources, the department of
10 transportation, and the police departments of the several
11 counties relating to law enforcement standards are transferred
12 to the department of the attorney general.

13 All officers and employees whose functions are transferred
14 by this Act shall be transferred with their functions and shall
15 continue to perform their regular duties upon their transfer,
16 subject to the state personnel laws and this Act.

17 No officer or employee of the State having tenure shall
18 suffer any loss of salary, seniority, prior service credit,
19 vacation, sick leave, or other employee benefit or privilege as
20 a consequence of this Act, and such officer or employee may be
21 transferred or appointed to a civil service position without the



1 necessity of examination; provided that the officer or employee
2 possesses the minimum qualifications for the position to which
3 transferred or appointed; and provided that subsequent changes
4 in status may be made pursuant to applicable civil service and
5 compensation laws.

6 An officer or employee of the State who does not have
7 tenure and who may be transferred or appointed to a civil
8 service position as a consequence of this Act shall become a
9 civil service employee without the loss of salary, seniority,
10 prior service credit, vacation, sick leave, or other employee
11 benefits or privileges and without the necessity of examination;
12 provided that such officer or employee possesses the minimum
13 qualifications for the position to which transferred or
14 appointed.

15 If an office or position held by an officer or employee
16 having tenure is abolished, the officer or employee shall not
17 thereby be separated from public employment, but shall remain in
18 the employment of the State with the same pay and classification
19 and shall be transferred to some other office or position for
20 which the officer or employee is eligible under the personnel



1 laws of the State as determined by the head of the department or
2 the governor.

3 SECTION 6. 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 land and natural
7 resources, the department of transportation, and the police
8 departments of the several counties relating to the functions
9 transferred to the department of the attorney general shall be
10 transferred with the functions to which they relate.

11 SECTION 7. All rules, policies, procedures, guidelines,
12 and other material adopted or developed by the department of
13 land and natural resources, the department of transportation,
14 and the police departments of the several counties to implement
15 provisions of the Hawaii Revised Statutes which are reenacted or
16 made applicable to the department of the attorney general by
17 this Act, shall remain in full force and effect until amended or
18 repealed by the department of the attorney general pursuant to
19 chapter 91, Hawaii Revised Statutes. In the interim, every
20 reference to the department of land and natural resources, the
21 department of transportation, and a police department of any of



H.B. NO. 1210

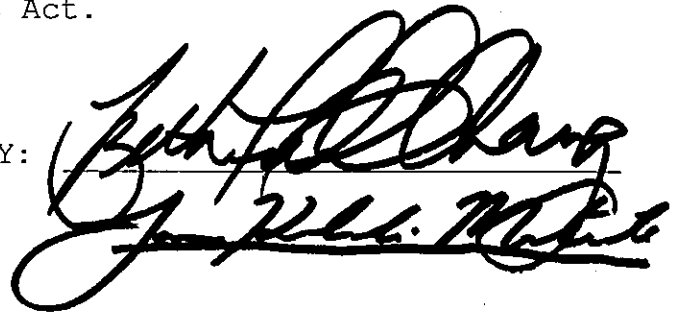
1 the several counties or the chair of the board of land and
2 natural resources, the director of transportation, or the chief
3 of police of any of the several counties in those rules,
4 policies, procedures, guidelines, and other material is amended
5 to refer to the department of the attorney general or the
6 attorney general as appropriate.

7 SECTION 8. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 9. This Act shall take effect on July 1, 2015, and
11 shall apply to collective bargaining agreements executed on or
12 after the effective date of this Act.

13

INTRODUCED BY:

Handwritten signatures of Beth L. Chang and J. Phil. White. The signature of Beth L. Chang is written over a horizontal line, and the signature of J. Phil. White is written below it.

JAN 28 2015



H.B. NO. 1210

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 moneys.

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