
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§28- Reports to legislature; law enforcement officers.

5 In the capacity as the State's chief law enforcement officer,
6 the attorney general shall ensure that any department or agency
7 of the State, unless otherwise provided by law, submits a report
8 to the legislature no later than twenty days prior to the
9 convening of each regular session, beginning with the regular
10 session of 2017. The report shall include the following
11 information relating to law enforcement officers who are issued
12 a badge and firearm and empowered by law to make arrests:

13 (1) Within the year immediately preceding the report,
14 identify:

15 (A) The number of officers terminated for cause and
16 the cause in each case;

17 (B) The number of officers forced to resign and the
18 reasons therefor; and



1 (C) The number of officers allegedly involved with
2 conduct punishable as a crime, including:

3 (i) The status of the investigation, if an
4 officer has not been charged with a crime as
5 of the date of the report; provided that the
6 report shall use an identifier of "I" for
7 under investigation and "F" for final;

8 (ii) If a grievance has been filed against an
9 officer as of the date of the report, the
10 report shall use an identifier of "P" for
11 grievance pending; and

12 (iii) If any grievance has been resolved through
13 arbitration, the summary of findings if any
14 of the arbitrator; provided that the report
15 shall use an identifier of "A" for
16 arbitration; and

17 (2) Identify any case involving any conduct of a sexual
18 nature."

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



1 "§26-19 Department of transportation. (a) The department
2 of transportation shall be headed by a single executive to be
3 known as the director of transportation. The department shall
4 establish, maintain, and operate transportation facilities of
5 the State, including highways, airports, harbors, and such other
6 transportation facilities and activities as may be authorized by
7 law.

8 The department shall plan, develop, promote, and coordinate
9 various transportation systems management programs that shall
10 include, but not be limited to, alternate work and school hours
11 programs, bicycling programs, and ridesharing programs.

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

20 The functions and authority heretofore exercised by the
21 department of public works with respect to highways are



1 transferred to the department of transportation established by
2 this chapter.

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

7 (b) The department of transportation shall submit a report
8 to the legislature no later than twenty days prior to the
9 convening of each regular session, beginning with the regular
10 session of 2017. The report shall include the following
11 information relating to law enforcement officers with
12 responsibility for harbors and airport security under the
13 jurisdiction of the department:

14 (1) Within the year immediately preceding the report,
15 identify:

16 (A) The number of officers terminated for cause and
17 the cause in each case;

18 (B) The number of officers forced to resign and the
19 reasons therefor; and

20 (C) The number of officers allegedly involved with
21 conduct punishable as a crime, including:



- 1 (i) The status of the investigation, if an
- 2 officer has not been charged with a crime as
- 3 of the date of the report; provided that the
- 4 report shall use an identifier of "I" for
- 5 under investigation and "F" for final;
- 6 (ii) If a grievance has been filed against an
- 7 officer as of the date of the report, the
- 8 report shall use an identifier of "P" for
- 9 grievance pending; and
- 10 (iii) If any grievance has been resolved through
- 11 arbitration, the summary of findings if any
- 12 of the arbitrator; provided that the report
- 13 shall use an identifier of "A" for
- 14 arbitration; and
- 15 (2) Identify any case involving any conduct of a sexual
- 16 nature."

17 SECTION 3. Section 52D-3.5, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

- 19 "(b) The report shall:
- 20 (1) Summarize the facts and the nature of the misconduct
- 21 for each incident;

- 1 (2) Specify the disciplinary action imposed for each
- 2 incident;
- 3 (3) Identify any other incident in the annual report
- 4 committed by the same police officer; [~~and~~]
- 5 (4) State whether the highest nonjudicial grievance
- 6 adjustment procedure timely invoked by the police
- 7 officer or the police officer's representative has
- 8 concluded:
- 9 (A) If the highest nonjudicial grievance adjustment
- 10 procedure has concluded, the report shall state:
- 11 (i) Whether the incident concerns conduct
- 12 punishable as a crime, and if so, describe
- 13 the county police department's findings of
- 14 fact and conclusions of law concerning the
- 15 criminal conduct; and
- 16 (ii) Whether the county police department
- 17 notified the respective county prosecuting
- 18 attorney of the incident; or
- 19 (B) If the highest nonjudicial grievance adjustment
- 20 procedure has not concluded, the report shall
- 21 state the current stage of the nonjudicial



1 grievance adjustment procedure as of the end of
2 the reporting period[-];

3 (5) State the number of officers forced to resign and the
4 reasons therefor;

5 (6) Identify the number of officers allegedly involved
6 with conduct punishable as a crime, including:

7 (A) The status of the investigation, if an officer
8 has not been charged with a crime as of the date
9 of the report; provided that the report shall use
10 an identifier of "I" for under investigation and
11 "F" for final;

12 (B) If a grievance has been filed against an officer
13 as of the date of the report, the report shall
14 use an identifier of "P" for grievance pending;
15 and

16 (C) If any grievance has been resolved through
17 arbitration as the highest nonjudicial grievance
18 adjustment procedure as provided in subsection
19 (f), the summary of findings, if any, of the
20 arbitrator; provided that the report shall use an
21 identifier of "A" for arbitration; and

1 (7) Identify any case involving any conduct of a sexual
2 nature."

3 SECTION 4. Section 171-3, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§171-3 Department of land and natural resources. (a)

6 The department of land and natural resources shall be headed by
7 an executive board to be known as the board of land and natural
8 resources. The department shall manage, administer, and
9 exercise control over public lands, the water resources, ocean
10 waters, navigable streams, coastal areas (excluding commercial
11 harbor areas), and minerals and all other interests therein and
12 exercise such powers of disposition thereof as may be authorized
13 by law. The department shall also manage and administer the
14 state parks, historical sites, forests, forest reserves, aquatic
15 life, aquatic life sanctuaries, public fishing areas, boating,
16 ocean recreation, coastal programs, wildlife, wildlife
17 sanctuaries, game management areas, public hunting areas,
18 natural area reserves, and other functions assigned by law.

19 (b) Notwithstanding subsection (a), beginning January 1,
20 2010, the authority to manage, administer, and exercise control
21 over any public lands that are designated important agricultural



1 lands pursuant to section 205-44.5, shall be transferred to the
2 department of agriculture.

3 (c) The department of land and natural resources shall
4 submit a report to the legislature no later than twenty days
5 prior to the convening of each regular session, beginning with
6 the regular session of 2017. The report shall include the
7 following information relating to the law enforcement officers
8 under the jurisdiction of the department, including small boat
9 harbors and natural resources:

10 (1) Within the year immediately preceding the report
11 identify:

12 (A) The number of officers terminated for cause and
13 the cause in each case;

14 (B) The number of officers forced to resign and the
15 reasons therefor; and

16 (C) The number of officers allegedly involved with
17 conduct punishable as a crime, including:

18 (i) The status of the investigation, if an
19 officer has not been charged with a crime as
20 of the date of the report; provided that the



1 report shall use an identifier of "I" for
2 under investigation and "F" for final;
3 (ii) If a grievance has been filed against an
4 officer as of the date of the report, the
5 report shall use an identifier of "P" for
6 grievance pending; and
7 (iii) If any grievance has been resolved through
8 arbitration, the summary of findings if any
9 of the arbitrator; provided that the report
10 shall use an identifier of "A" for
11 arbitration; and

12 (2) Identify any case involving any conduct of a sexual
13 nature."

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

16 "**§353C-2 Director of public safety; powers and duties.**
17 [+] (a) [+] The director of public safety shall administer the
18 public safety programs of the department of public safety and
19 shall be responsible for the formulation and implementation of
20 state goals and objectives for correctional and law enforcement
21 programs, including ensuring that correctional facilities and



1 correctional services meet the present and future needs of
2 persons committed to the correctional facilities. In the
3 administration of these programs, the director may:

- 4 (1) Preserve the public peace, prevent crime, detect and
5 arrest offenders against the law, protect the rights
6 of persons and property, and enforce and prevent
7 violation of all laws and administrative rules of the
8 State as the director deems to be necessary or
9 desirable or upon request, to assist other state
10 officers or agencies that have primary administrative
11 responsibility over specific subject matters or
12 programs;
- 13 (2) Train, equip, maintain, and supervise the force of
14 public safety officers, including law enforcement and
15 correctional personnel, and other employees of the
16 department;
- 17 (3) Serve process both in civil and criminal proceedings;
- 18 (4) Perform other duties as may be required by law;
- 19 (5) Adopt, pursuant to chapter 91, rules that are
20 necessary or desirable for the administration of
21 public safety programs; and



1 (6) Enter into contracts in behalf of the department and
 2 take all actions deemed necessary and appropriate for
 3 the proper and efficient administration of the
 4 department.

5 [+] (b) [-] [The] In addition to other reports required under
 6 this chapter, the department of public safety shall submit a
 7 report to the legislature ~~[not]~~ no later than twenty days prior
 8 to the ~~[commencement of the 2008 regular session, and every~~
 9 ~~session thereafter, with its]~~ convening of each regular session.

10 The report shall include:

11 (1) Its achievements, continuing improvements, and ongoing
 12 problems in providing the appropriate mental health
 13 care to committed persons under its jurisdiction[-];

14 (2) With regard to the public safety officers under the
 15 jurisdiction of the department, within the year
 16 immediately preceding the report identify:

17 (A) The number of officers terminated for cause and
 18 the cause in each case;

19 (B) The number of officers forced to resign and the
 20 reasons therefor; and



1 (C) The number of officers allegedly involved with
2 conduct punishable as a crime, including:

3 (i) The status of the investigation, if an
4 officer has not been charged with a crime as
5 of the date of the report; provided that the
6 report shall use an identifier of "I" for
7 under investigation and "F" for final;

8 (ii) If a grievance has been filed against an
9 officer as of the date of the report, the
10 report shall use an identifier of "P" for
11 grievance pending; and

12 (iii) If any grievance has been resolved through
13 arbitration, the summary of findings, if
14 any, of the arbitrator; provided that the
15 report shall use an identifier of "A" for
16 arbitration; and

17 (3) For purposes of paragraph (2), information on any case
18 involving any conduct of a sexual nature."

19 SECTION 6. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Law Enforcement Officers; Grievances; Reports to Legislature;
State Agencies; County Police Departments

Description:

Requires the attorney general to ensure that all state departments and agencies employing law enforcement officers report annually to the legislature on specified information concerning firings, forced resignations, alleged criminal activity, grievances, and incidents of a sexual nature. Requires the department of transportation, department of land and natural resources, department of public safety, and county police departments to submit those annual reports. (SD1)

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

