

JAN 27 2016

S.B. NO. 2755

A BILL FOR AN ACT

RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD.

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

1 SECTION 1. The legislature finds that Hawaii is the only
2 state in the country without a statewide law enforcement board
3 for employment standards or training. Given the immense power
4 and authority that the State and counties grant to police,
5 sheriffs, and other law enforcement officers who carry firearms,
6 it is important to establish statewide standards for these
7 officers. Such standards would benefit county and state
8 departments or agencies. Furthermore, government vendors and
9 contractors who employ individuals who carry firearms should
10 also be required to maintain minimum standards for employment
11 and training.

12 Accordingly, the purpose of this Act is to establish a law
13 enforcement employment standards and training board responsible
14 for developing statewide standards for employment and training
15 for county and state law enforcement officers who carry firearms
16 and wear a badge.



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

4 "CHAPTER

5 LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD

6 § -1 Definitions. As used in this chapter, unless the
7 context clearly indicates otherwise, the following terms shall
8 mean as follows:

9 "Board" means the law enforcement employment standards and
10 training board.

11 "Law enforcement officer" means:

- 12 (1) A police officer employed by a county police
13 department who wears a badge and carries a firearm;
- 14 (2) A public safety officer employed by the department of
15 public safety who wears a badge and carries a firearm;
- 16 (3) An employee of the department of transportation or the
17 department of land and natural resources who wears a
18 badge and carries a firearm; or
- 19 (4) An employee of a government vendor or contractor who
20 is permitted to carry a firearm.



1 § -2 Creation of law enforcement employment standards
2 and training board; composition. (a) There is created in the
3 department of the attorney general, for administrative purposes
4 only, the law enforcement employment standards and training
5 board, which shall consist of eleven voting members as follows:

- 6 (1) The state sheriff or the sheriff's designee;
- 7 (2) The chiefs of police of the four counties or the
8 chiefs' designees;
- 9 (3) Two members of the public not currently employed by a
10 government agency, one of whom shall have a background
11 in criminal justice, shall be appointed by the
12 governor, in accordance with section 26-34;
- 13 (4) Two members of the public not currently employed by a
14 government agency, one of whom shall have a legal
15 background, shall be appointed by the governor from a
16 list of two nominees submitted by the president of the
17 senate; and
- 18 (5) Two members of the public not currently employed by a
19 government agency, one of whom shall have a background
20 in human resources management, shall be appointed by



1 the governor from a list of two nominees submitted by
2 the speaker of the house of representatives.

3 (b) The terms of the members shall be four years, and no
4 person shall be appointed consecutively to more than two terms;
5 provided that membership on the board shall not exceed eight
6 consecutive years, in accordance with section 26-34.

7 (c) The board shall select a chairperson from among its
8 members; provided that the chairperson of the board shall not be
9 a current law enforcement officer.

10 § -3 Duties. (a) Between January 1, 2017, and
11 September 30, 2018, the board shall hold meetings at least once
12 every quarter; provided that the meetings shall be open to the
13 public in accordance with chapter 92.

14 (b) By January 7, 2019, the board shall propose draft
15 recommendations for statewide employment standards and training
16 for law enforcement officers who wear a badge and carry a
17 firearm. The standards shall include but not be limited to age
18 requirements, education requirements, criminal background
19 checks, hearing tests, eye examinations, psychological tests,
20 physical ability tests, and other areas necessary to become a
21 law enforcement officer. The board may work or collaborate with



1 existing law enforcement agencies to develop the employment and
2 training standards. The board shall make the draft
3 recommendations available for public review and comment for a
4 period of not less than ninety days. The board shall hold at
5 least two public hearings on the draft recommendations by
6 March 31, 2019.

7 (c) After the period of public review and comment, the
8 board shall adopt final recommendations, with an implementation
9 date of July 31, 2019.

10 (d) Beginning July 31, 2019, the board shall meet at least
11 twice a year to review the statewide employment standards and
12 training requirements.

13 § -4 Training. (a) Each government agency shall be
14 responsible for training its staff to meet the necessary
15 employment standards and training requirements.

16 (b) All law enforcement officers who carry firearms shall
17 meet the necessary employment standards and training
18 requirements by January 1, 2021.

19 § -5 Law enforcement employment standards and training
20 board special fund; established. There is established in the
21 state treasury the law enforcement employment standards and



1 training board special fund. The revenues of the special fund
2 shall consist of appropriations made by the legislature, fees
3 charged by the board, grants, gifts, and interest on moneys
4 deposited in the special fund. The special fund shall be used
5 to defray the expenses of the board in implementing this
6 chapter.

7 § -6 Other employment standards and training permitted.

8 (a) Nothing in this chapter shall be construed to supersede or
9 in any manner affect a county's requirements for law enforcement
10 officers; provided that the requirements are at least as
11 stringent as the law under this chapter.

12 (b) Nothing in this chapter shall prohibit a county from
13 enacting employment standards and training requirements for
14 county law enforcement officers that are more stringent than the
15 employment standards and training requirements of law
16 enforcement officers under this chapter.

17 (c) Nothing in this chapter shall prohibit the State from
18 enacting employment standards and training requirements for
19 state law enforcement officers that are more stringent than the
20 employment standards and training requirements of law
21 enforcement officers under this chapter."



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1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2016-2017 for
4 deposit into the law enforcement employment standards and
5 training board special fund.

6 SECTION 4. There is appropriated out of the criminal
7 forfeiture revolving fund the sum of \$ or so much
8 thereof as may be necessary for fiscal year 2016-2017 for
9 deposit into the law enforcement employment standards and
10 training board special fund.

11 SECTION 5. There is appropriated out of the law
12 enforcement employment standards and training board special fund
13 the sum of \$ or so much thereof as may be necessary
14 for fiscal year 2016-2017 for the purposes of this Act.

15 The sum appropriated shall be expended by the department of
16 the attorney general for the purposes of this Act.

17 SECTION 6. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 7. This Act shall take effect on July 1, 2016;
21 provided that either the sum appropriated by section 3 of this



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1 Act or the sum appropriated by section 4 of this Act, or a
 2 combination of each appropriation, shall serve as the initial
 3 source of funding of the appropriation from the law enforcement
 4 employment standards and training board special fund, pursuant
 5 to section 5 of this Act.

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Report Title:

Law Enforcement Employment Standards and Training Board; Establishment; Law Enforcement Officers; Firearms; Law Enforcement Employment Standards and Training Board Special Fund; Appropriation

Description:

Establishes a law enforcement employment standards and training board responsible for developing statewide standards for employment and training for county and state law enforcement officers who carry firearms and wear a badge. . Provides for a public comment period during the development of employment standards and training, with an implementation date of July 31, 2019. Appropriates funds by establishing a special fund.

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