
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. It is the role of the State to oversee and
2 regulate professions and occupations that have a significant
3 impact on society. Law enforcement is an area where more should
4 be done by the State to provide standards and uniformity
5 statewide, as the State did recently through a law to regulate
6 private security guards.

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

13 Hawaii is the only state in the country without any state-
14 level regulation of police. Regulation is left to the counties.
15 Furthermore, Hawaii does not have any procedure for revoking a
16 police officer's certification for serious misconduct.

17 The purpose of this Act is to establish a law enforcement
18 standards board for the certification of county police officers,



1 state public safety officers employed by the department of
2 public safety, and employees at the departments of
3 transportation and land and natural resources with police
4 powers.

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

8 "CHAPTER

9 LAW ENFORCEMENT STANDARDS BOARD

10 § -1 Definitions. As used in this chapter, unless the
11 context clearly indicates otherwise, the following terms shall
12 mean as follows:

13 "Board" means the law enforcement standards board.

14 "Candidate" means an individual seeking certification as a
15 law enforcement officer.

16 "Law enforcement officer" means:

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

19 (2) A public safety officer employed by the department of
20 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 eleven
8 voting members as follows:

9 (1) Three members with law enforcement experience who are
10 not currently employed as law enforcement officers
11 shall be appointed by the governor, in accordance with
12 section 26-34;

13 (2) Two members who are retired judges or retired judicial
14 officers shall be appointed by the governor, in
15 accordance with section 26-34;

16 (3) Two members who are educators or personnel at a Hawaii
17 institution of higher education with law enforcement
18 or criminal justice knowledge shall be appointed by
19 the governor, in accordance with section 26-34; and

20 (4) One member not currently employed by a law enforcement
21 agency shall be appointed by each of the mayors of the



1 counties of Hawaii, Kauai, and Maui and the city and
2 county of Honolulu.

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) Six members of the board shall constitute a quorum,
8 and a quorum may exercise all the power and authority conferred
9 on the board.

10 (d) The board shall select a chairperson and vice
11 chairperson from among its members.

12 (e) The members of the board shall serve without
13 compensation but shall be reimbursed for expenses, including
14 travel expenses, necessary for the performance of their duties.

15 **§ -3 Powers.** The board shall have the following powers:

16 (1) Adopt rules in accordance with chapter 91 to implement
17 this chapter;

18 (2) Consult with state and county agencies and other
19 stakeholders to establish minimum standards for
20 employment as a state or county law enforcement



- 1 officer and certify persons to be qualified as law
2 enforcement officers;
- 3 (3) Establish minimum criminal justice curriculum
4 requirements for basic, specialized, and in-service
5 courses and programs for schools operated by or for
6 the State or a county for the specific purpose of
7 training law enforcement officers;
- 8 (4) Consult and cooperate with the counties, police
9 commissions, agencies of the State, other governmental
10 agencies, universities, colleges, and other
11 institutions concerning the development of law
12 enforcement officer training schools and programs of
13 criminal justice instruction;
- 14 (5) Employ, subject to chapter 76, an administrator and
15 other persons necessary to carry out the board's
16 duties under this chapter;
- 17 (6) Investigate when there is reason to believe that a law
18 enforcement officer does not meet the minimum
19 standards for employment and, in so doing, may
20 subpoena persons, books, records, or documents related



1 to the investigation and require answers in writing
2 under oath;

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

5 (8) Charge and collect fees from candidates seeking
6 certification as a law enforcement officer; and

7 (9) Investigate any allegations of wrongdoing, misconduct,
8 or questionable operations involving any state or
9 county law enforcement agency or law enforcement
10 officer and, in so doing, may subpoena persons, books,
11 records, or documents related to the investigation and
12 require answers in writing under oath. Any findings
13 and information may be shared with the appropriate
14 county or state commission, board, or agency.

15 **§ -4 Law enforcement standards board special fund;**
16 **established.** There is established in the state treasury the law
17 enforcement standards board special fund. The revenues of the
18 special fund shall consist of appropriations made by the
19 legislature, fees charged by the board, grants, gifts, and
20 interest on moneys deposited in the special fund. The special



1 fund shall be used to defray the expenses of the board in
2 implementing this chapter.

3 **§ -5 Training.** (a) The board may establish law
4 enforcement training programs through agencies and institutions
5 deemed appropriate by the board to certify candidates; provided
6 that the board shall establish minimum training requirements for
7 law enforcement officers.

8 (b) Each government agency or department shall be
9 responsible for training its staff to meet the necessary
10 standards or qualifications.

11 **§ -6 Standards.** (a) No person may be appointed or
12 hired as a law enforcement officer unless the person:

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

15 (2) Possesses other qualifications that the board has
16 established for the employment of law enforcement
17 officers, including minimum age, education, physical
18 and mental standards, citizenship, good conduct, moral
19 character, and experience.

20 (b) The board shall issue a certificate evidencing
21 satisfaction of the requirements of this section to a candidate



1 who satisfies the requirements of subsection (a) or
2 satisfactorily completes a program or course of instruction in
3 another jurisdiction equivalent in content and quality to that
4 required under subsection (a).

5 (c) The board may deny or revoke the certificate of a
6 candidate or law enforcement officer who fails to meet or
7 maintain the standards required under subsection (a), subject to
8 due process.

9 (d) The board may deny or revoke the certificate of a
10 candidate or law enforcement officer who has been involved in an
11 act of criminal misconduct, subject to due process.

12 § -7 **Employment of law enforcement officers.** (a)

13 Except as provided under subsection (b), beginning on January 1,
14 2018, no person shall be appointed or hired as a law enforcement
15 officer by any county police department, the department of
16 public safety, the department of transportation, or the
17 department of land and natural resources, unless the person has
18 a valid certificate issued by the board under section -6.

19 Law enforcement officers under contract by the State shall meet
20 the minimum qualifications established by the board.



1 (b) This section shall not apply to a person employed on a
2 probationary basis, except that employment on a probationary
3 basis may not exceed the period authorized for probationary
4 employment as determined by the board.

5 (c) Beginning December 31, 2018, existing law enforcement
6 officers shall have two years to obtain a valid certificate
7 issued by the board under section -6. In-service training
8 shall be used to meet the law enforcement training requirements
9 established under section -6."

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

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



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

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 6. This Act shall take effect on July 1, 2015.



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. Beginning on 1/1/2018, prohibits appointment or hiring of these officers unless certified by the law enforcement standards board. Establishes a special fund. (SD1)

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

