

STAND. COM. REP. NO. 2157

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2755  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Ways and Means, to which was referred S.B. No. 2755 entitled:

"A BILL FOR AN ACT RELATING TO A LAW ENFORCEMENT EMPLOYMENT STANDARDS AND TRAINING BOARD,"

beg leave to report as follows:

The purpose and intent of this measure is to establish the Law Enforcement Employment Standards and Training Board responsible for developing statewide standards for employment and training for certain county and state law enforcement officers.

Your Committees received testimony in support of this measure from the Office of the Prosecuting Attorney, County of Kaua'i; Hawaii State Coalition Against Domestic Violence; IMUAlliance; and eight individuals. Your Committees received testimony in opposition to this measure from five individuals.

Prior to the hearing on this measure, your Committees posted and made available for public review a proposed S.D. 1, which amends this measure to:

- (1) Change the name of the board to the Advisory Law Enforcement Employment Standards and Training Board, tasked with making proposed standards and training recommendations;
- (2) Amend the composition of the advisory board by authorizing the Governor to invite the Chiefs of Police



of the four counties or their designees to be voting members of the advisory board, rather than requiring them to be members;

- (3) Establish that the terms of the advisory board members end on June 30, 2021, rather than designate four-year terms and term limits;
- (4) Allow government agencies to voluntarily implement the employment standards and training recommendations, rather than require each government agency to train its staff to meet the necessary employment standards and training requirements;
- (5) Delete language that establishes a law enforcement employment standards and training board special fund and the appropriation into and from the special fund;
- (6) Establish that no person shall have a cause of action against a government agency for not implementing any employment standard or training recommendation of the advisory board;
- (7) Require the advisory board to terminate on June 30, 2021; and
- (8) Appropriate funds to the Department of the Attorney General for the operation of the Advisory Law Enforcement Employment Standards and Training Board.

Your Committees received testimony in support of the proposed S.D. 1 from the Department of Land and Natural Resources, Department of Transportation, Department of Public Safety, and American Civil Liberties Union of Hawai'i. Your Committees received testimony in opposition to the proposed S.D. 1 from the Police Department, City and County of Honolulu and seven individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that Hawaii is the only state in the nation without a statewide law enforcement board for employment standards or training. Given the considerable power and authority given by the State and counties to police, sheriffs, and other law enforcement officers, it is important to establish statewide standards for these officers. This proposed S.D. 1 provides



standards that would provide a common core of knowledge and training for state and county law enforcement officers who wear badges and carry firearms.

Your Committees note the concerns raised in testimony submitted by the Department of Transportation regarding applying the standards to employees of a government agency's vendor or contractor who are permitted to wear a badge and carry a firearm. The Department indicated that the standards and training requirements may place a hardship on the recruitment process and qualification requirements of private law enforcement officers.

Your Committees have amended this measure by adopting the proposed S.D. 1 and further amending the proposed S.D. 1 by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2755, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2755, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Labor and Ways and Means,



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JILL N. TOKUDA, Chair



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GILBERT S.C. KEITH-AGARAN, Chair





