



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 10, 2017

GOV. MSG. NO. 1261

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 10, 2017, the following bill was signed into law:

SB1264 SD1 HD2 CD1

RELATING TO SECURITY GUARDS
ACT 160 (17)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUL 10 2017

THE SENATE
TWENTY-NINTH LEGISLATURE, 2017
STATE OF HAWAII

ACT 160
S.B. NO.

1264
S.D. 1
H.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO SECURITY GUARDS.

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

1 SECTION 1. Section 463-10, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§463-10 Licenses; fees; [biennial] renewal of licenses;~~

4 ~~inactive license.~~ (a) The license shall state the name and
5 address of the principal office or place of business of the
6 licensee, the name under which the licensed business is to be
7 conducted, and the name of the principal detective or principal
8 guard, if the licensee is a detective agency or guard agency.

9 (b) ~~[The biennial]~~ Except as provided in section 463-10.5,
10 the renewal fee and compliance resolution fund fees, or the
11 inactive license fee, shall be paid to the board on or before
12 June 30 of each even-numbered year. These fees shall be as
13 provided in rules adopted by the director pursuant to chapter
14 91. The failure, neglect, or refusal of any licensee to pay
15 these fees and to submit all documents required by the board on
16 or before June 30 of each even-numbered year shall result in the
17 automatic forfeiture of the licensee's license.



1 (c) A forfeited license may be restored upon written
2 application within one year of the date of expiration and upon
3 submittal of all required documents, fees, delinquent fees, and
4 a penalty fee.

5 (d) Upon written request by a licensee, the board may
6 place that licensee's active license on an inactive status. The
7 licensee, upon payment of the inactive license fee, may continue
8 on inactive status for the ~~[biennial]~~ applicable renewal period.

9 A licensee may renew an inactive license upon notification to
10 the board. The failure, neglect, or refusal of any licensee on
11 inactive status to pay the inactive license fee shall result in
12 the automatic forfeiture of the licensee's license. While on
13 inactive status, a licensee shall not be engaged in the practice
14 of a private detective, guard, or agency. Any person who
15 violates this prohibition shall be subject to discipline under
16 this chapter and the board's rules. The license may be
17 reactivated at any time by filing an application for
18 reactivation with the board and:

- 19 (1) Fulfilling all requirements established by the board,
20 including the payment of the appropriate fees the



1 licensee would have paid had the licensee continued to
2 maintain the license on an active status; and

3 (2) Providing any information regarding any arrest or
4 conviction of any crime that reflects unfavorably on
5 the fitness of the licensee to engage in the
6 profession, and information that the licensee, while
7 on inactive status, has suffered a psychiatric or
8 psychological disorder that is directly related and
9 detrimental to the licensee's performance in the
10 profession.

11 The board may deny an application for reactivation as
12 provided in its rules.

13 (e) For the purposes of this chapter, the dishonoring of
14 any check upon first deposit shall constitute a failure to meet
15 the fee requirements."

16 SECTION 2. Section 463-10.5, Hawaii Revised Statutes, is
17 amended as follows:

18 1. By amending subsection (a) to read:

19 "(a) [~~Effective July 1, 2013, all~~] All guards, and all
20 agents, operatives, and assistants employed by a guard agency,
21 private business entity, or government agency who act in a guard



1 capacity shall apply to register with the board, and meet the
2 following registration, instruction, and training requirements
3 prior to acting as a guard:

- 4 (1) Be not less than eighteen years of age;
- 5 (2) Possess a high school education or its equivalent;
6 provided that the applicant may satisfy the
7 requirements of this paragraph by attesting that the
8 applicant possesses a high school education or its
9 equivalent;
- 10 (3) Not be presently suffering from any psychiatric or
11 psychological disorder which is directly related and
12 detrimental to a person's performance in the
13 profession; and
- 14 (4) Not have been convicted in any jurisdiction of a crime
15 which reflects unfavorably on the fitness of the
16 individual to act as a guard, unless the conviction
17 has been annulled or expunged by court order; provided
18 that the individual shall submit to a national
19 criminal history record check as authorized by federal
20 law, including but not limited to the Private Security
21 Officer Employment Authorization Act of 2004, and



1 specified in the rules of the board[-], and a criminal
2 history record check from the Hawaii criminal justice
3 data center under chapter 846.

4 The board shall determine whether an individual qualifies for
5 registration pursuant to this subsection."

6 2. By amending subsection (c) to read:

7 "(c) Guards and individuals acting in a guard capacity
8 shall successfully complete the classroom instruction specified
9 by this section, pass a written test, and undergo four hours of
10 on-the-job training supervised by an individual who has
11 successfully completed all of the requirements of this section
12 or who has otherwise been approved by the board for on-the-job
13 training. Guards and individuals acting in a guard capacity
14 shall successfully complete:

15 (1) Eight hours of classroom instruction before the first
16 day of service; and

17 (2) Four hours of classroom instruction [~~biennially~~
18 ~~thereafter,~~] during the triennial registration renewal
19 period; provided that in addition to relevant guard
20 industry material, the required classroom instruction



1 shall include a refresher component on professional
2 image and aloha training[-] as approved by the board.

3 For purposes of this section, "classroom instruction" may
4 include two-way teleconferencing and other interactive
5 educational formats approved by the board."

6 3. By amending subsection (g) to read:

7 "(g) Effective June 30, 2018, registrations issued under
8 this section shall be valid for the three-year triennial period,
9 and may be renewed upon payment of the triennial renewal fee and
10 compliance resolution fund fee to the board on or before June 30
11 of each triennial renewal term. Prior to the June 30, [2016-]
12 2021, triennial renewal of the guard registration and every
13 registration renewal thereafter, the applicant shall pay all
14 required fees, and have had at least four hours of continuing
15 education as specified in this section and in the rules of the
16 board. A guard who has registered with the board within one
17 year prior to the applicable renewal date shall not be required
18 to take the four hours of classroom instruction to renew the
19 guard registration.

20 The board may conduct a random audit, pursuant to rules
21 adopted pursuant to chapter 91, of registrants applying for



1 renewal of a registration to determine whether the continuing
2 education requirements of this subsection have been met.

3 The failure, neglect, or refusal of any registered guard to
4 pay the renewal fee or meet the continuing education
5 requirements shall constitute a forfeiture of the guard's
6 registration. A forfeited registration may be restored upon
7 written application within one year from the date of forfeiture,
8 payment of the required renewal fee plus penalty fees, and
9 meeting the continuing education requirements in effect at the
10 time of restoration."

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2017.

APPROVED this 10 day of JUL, 2017

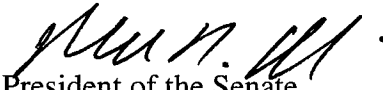



GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2017.


President of the Senate

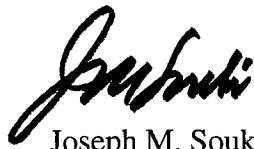

Clerk of the Senate

SB No. 1264, SD 1, HD 2, CD 1

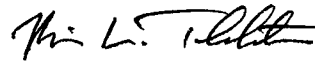
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2017
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2017.



Joseph M. Souki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives