

**PRESENTATION OF THE
BOARD OF PRIVATE DETECTIVES AND GUARDS**

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION & COMMERCE

TWENTY-NINTH LEGISLATURE
Regular Session of 2017

Tuesday, March 28, 2017
2:00 p.m.

**TESTIMONY ON SENATE BILL NO. 1264, S.D.1, H.D. 1, RELATING TO SECURITY
GUARDS.**

TO THE HONORABLE ROY M. TAKUMI, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is Kenneth Chang, Applications Chairperson of the Board of Private Detectives and Guards ("Board"). Thank you for the opportunity to testify on Senate Bill No. 1264, S.D. 1, H.D. 1, which proposes to revise the current security guard registration process by (1) changing the current biennial renewal to a triennial renewal; (2) repealing the current June 30 even numbered year expiration to an expiration and renewal date based upon the initial date of registration; (3) allowing any person acting in a guard capacity to meet the registration, instruction, and training requirements within thirty (30) days from the first day of employment in lieu of the current requirement that the registration requirements be satisfied prior to acting as a guard; (4) repealing the mandatory hours of training for initial and continuing education and instead require the Board to establish by rule the minimum number of hours of classroom instruction; and (5) requiring the Board to review the current laws, administrative rules, and procedures regarding the security guard registration, study whether security guard agencies should be prohibited from denying employees from taking outside employment and to submit its findings and recommendations including any proposed legislation or rule amendments

to the Legislature no later than twenty (20) days prior to the convening of the Regular Session of 2018.

The Board and DCCA have been working diligently since the security guard registration requirement went into effect in 2013 to address the concerns of the security guard industry regarding the regulatory processes, including making a number of process improvements to minimize application processing times and ensuring that resources and personnel are dedicated to keep any backlogs as minimal as possible. The Board is committed to continuing its work with the industry and other stakeholders to find improvements that would make the registration process less challenging, while still leaving adequate public safeguards in place.

To that end, the Board supports Section 1 of the bill that changes the biennial registration renewal requirement to a triennial one; however, the Board requests that the triennial renewal commence June 30, 2018, and that the continuing education required by this section commence with the June 30, 2021 renewal to effectuate a smooth transition.

Regarding Section 2 of the bill:

Attestation Requirement. The board supports the language on page 4, lines 10-13 of the bill that allows applicants to demonstrate possession of a high school education or equivalent through attestation instead of requiring a certified copy of a high school transcript or other written documentation. The Board understands that the Department accepts attestation for other license types and believes that this language will relieve applicants of what is sometimes a time-consuming process.

Thirty (30) day “grace period”. The Board is opposed to the language on page 4, lines 6-7 of the House Draft 1 that would allow guard applicants to begin working before each applicant meets the registration, instruction, and training requirements, provided they meet the requirements within thirty (30) days from the first day of employment. There is no other licensing area within the Department of Commerce and Consumer Affairs’ (“DCCA”) jurisdiction that is allowed to practice before meeting all of the registration requirements or being vetted by the regulatory board or commission. The Board is also opposed to the impracticality of requiring monitoring and determining whether an applicant has met the registration, instruction, and training within thirty (30) days from the first date of employment. In addition, the Board is also concerned about having to keep track of each guard’s three-year period of registration because the renewal dates would vary depending on the date of initial registration. A statutorily specified date enables an across-the-board renewal process, the use of online renewals, and the random audit process to determine compliance with the continuing education requirement that have all significantly improved efficiencies in the licensing process. Converting to an unspecified renewal date system will undo some key benefits of the current process and will significantly add to the administrative work of the Board and DCCA.

Criminal History Check. The Board does not support changing the current criminal history check requirements in the statute as proposed on page 5 lines 1-6 of the bill. The Board is concerned that this language would have the unintended consequence of requiring the Board to accept *another* “national criminal history records

check” conducted by a third party other than the FBI. The standard of being able to request and receive an FBI national criminal history record check which was required since 2013, and to now allow for the acceptance of a third party vendor’s results will diminish this standard.

Classroom Instruction. The Board supports the language on page 6, lines 6-9 of the bill that expands the definition of classroom instruction to include videoconferencing and other formats that may be approved by the Board. However, the Board recommends that this definition apply uniformly to both the initial and continuing education classroom instruction requirements instead of having two different standards for classroom instruction. As such, it does not support the expanded definition of “classroom instruction” on page 6, line 17 to page 7, line 2 of the bill.

Regarding the language of the bill that affords the Board discretion to set the minimum hours of classroom instruction by rule rather than by statute, the Board prefers that eight hours (8) remain the requirement for the initial classroom instruction and that four (4) hours remain the requirement for the continuing education.

Regarding Section 3 of the bill which requires the Board to conduct a study similar to language in H.C.R. 75 and H.R. 40, the Board does not support this requirement because it is already engaged in ongoing review of its operations and believes that diverting personnel and resources from the processing of security guard applications to conduct a study may be counterproductive.

As noted above, the Board believes that the House Draft 1 contains some important improvements to the current law that will streamline the registration process

and is committed to continuing to work with stakeholders, but is particularly concerned about the language of the bill that enables applicants to operate as guards without completing the vetting process. As such, the Board respectfully urges this Committee to consider at minimum removing the revisions on page 4, lines 6-7 from the bill.

Thank you for the opportunity to provide testimony on this measure. The Board respectfully requests the Committee's consideration of the Board's concerns, and the proposed amendments offered in this testimony.

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From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 26, 2017 7:10 PM
To: CPCtestimony
Cc: richard.emery@associa.us
Subject: *Submitted testimony for SB1264 on Mar 28, 2017 14:00PM*

SB1264

Submitted on: 3/26/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Richard Emery	Associa	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 25, 2017 1:13 AM
To: CPCtestimony
Cc: jsugimura@bendetfidell.com
Subject: Submitted testimony for SB1264 on Mar 28, 2017 14:00PM

SB1264

Submitted on: 3/25/2017

Testimony for CPC on Mar 28, 2017 14:00PM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Jane Sugimura	HI Council of Assoc. of Apt. Owners a	Support	No

Comments: Please pass out unamended.

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