

# SB1264

Measure Title: RELATING TO SECURITY GUARDS.

Report Title: Security Guards; Licensure; Registration; Renewal

Description: Requires applicants for licensure as a guard to meet specified registration, instruction, and training requirements within sixty days of employment. Specifies that a renewal of guard registration shall be no sooner than two years from an applicant's completion of initial registration.

Companion: [HB1515](#)

Package: None

Current Referral: CPH

Introducer(s): BAKER, DELA CRUZ, ENGLISH, ESPERO, KEITH-AGARAN, K. Kahele, Kim, Kouchi, Nishihara

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

TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH

TWENTY-NINTH LEGISLATURE  
Regular Session of 2017

Friday, February 24, 2017  
9:30 a.m.

**TESTIMONY ON SENATE BILL NO. 1264, RELATING TO SECURITY GUARDS.**

TO THE HONORABLE ROSALYN H. BAKER, 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, which proposes to allow any person acting in a guard capacity to register with the Board and meet the registration, instruction, and training requirements within sixty (60) days after the first day of employment in lieu of the current requirement that the registration requirements be satisfied prior to acting as a guard.

The Board is opposed to the approach this measure takes to make it easier for guard applicants to immediately start working before each applicant can be appropriately reviewed.

As written, this measure will allow any person to act as a guard without first being vetted by the Board to determine that all statutory requirements have been met, including the criminal history background check. Since the availability of our online application process in May 2016, the Board has observed that performing criminal record checks on each applicant prior to Board approval and issuance of a license is

one of the most important and most informative steps in the application process, often revealing essential criminal/conviction information about an applicant – approximately forty three percent (43%) of screens reveal some arrest/conviction information – that will inform the Board’s decision about whether or not it is safe to issue the applicant a license. Without having the checks performed prior to an applicant working, the Board is highly concerned about the potential harm to which the public would be exposed if even one or a few unfit guard applicants were allowed to work without first being subject to an across-the-board criminal history check process administered by the Board.

In addition to the primary concern of exposing the public to potential harm, the Board also believes that if this bill is passed as drafted, the State could be exposed to liability if this individual harmed a member of the public prior to a completed review by the Board.

The Board would like to note that the Department of Commerce and Consumer Affairs (“DCCA”) staff has been working hard to address the concerns of the security guard industry concerning the regulatory process, including making a number of process improvements to cut down application processing times and ensuring that resources and personnel are dedicated to keep any backlogs as minimal as possible. While much has been done to improve the efficiency of guard licensing, the Board believes DCCA remains open to continuing to work with the industry and other stakeholders to find improvements that would make the licensure process less onerous, while still leaving adequate public safeguards in place.

The Board is also concerned about the potential regulatory precedent the provisions in this measure, if passed, would set for professional licensing. For example, the Board is concerned about the impracticality of requiring monitoring and determining whether an applicant has met the filing deadline of sixty (60) days from the first date of employment. The Board is also concerned about having to keep track of each guard's two year period of registration because the renewal dates would vary depending on the date of initial registration. Currently, all private detective and guard registrations/licenses expire on June 30 of every even numbered year. This 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 a random renewal date system will undo some key benefits of the current process and will only significantly add to the administrative work of the Board and DCCA.

For these reasons, the Board opposes the reductions to consumer protections included in Senate Bill No. 1264, and asks that this measure be held.

Thank you for the opportunity to testify on this measure.

# Memo

February 22, 2017



Via Fax 586-8479

**TESTIMONY OF  
Sanj Sappal, Area AVP – Hawaii/Guam, Securitas Security Services**

The Honorable Rosalyn Baker, Chair  
TO THE SENATE COMMITTEE ON INTRASTATE COMMERCE

THE TWENTY-NINTH LEGISLATURE  
Regular Session of 2017

Friday, February 24, 2017  
9:30 a.m. Conference Room 229

**TESTIMONY IN SUPPORT OF SENATE BILL NO. 1264, RELATING TO SECURITY GUARDS**

TO THE HONORABLE ROSALYN BAKER, CHAIR, AND MEMBERS OF THE COMMITTEE:

Aloha. My name is Sanj Sappal. I am the Area Vice President for Securitas Security Services USA for the Hawaiian Islands and Guam. We employ over 2,000 security officers and are the largest security company and one of the largest employers in the state.

Today, I am here to testify in favor of SB 1264, which I strongly support with my security industry colleagues.

SB 1264, essentially provides a 60-day grace period wherein guards can be employed in a security guard capacity while awaiting registration clearance by the DCCA, which can take up to a month or more, depending on various circumstances. SB 1264 will provide immediate hiring relief to the security industry, which it has sought from the DCCA since Act 208 (HRS 463-10.5) became effective July 1, 2013. From that date forward, we have suffered tremendous financial losses and have been experiencing a lack of interest from the available labor pool due to the time it takes for DCCA registration and the complicated, cumbersome processes now required to become a registered guard. Guards cannot wait two weeks to over a month to get processed; they need to be able to buy clothing and put food on the table.

The guard industry has held meetings with the DCCA's past and current Directors and other government officials to plead for relief and an immediate solution, which SB 1264 will provide by allowing guards to work while waiting for the DCCA to process their applications.

*Securitas Security  
Services USA, Inc.*  
888 N. Nimitz Highway  
Suite 105  
Honolulu, HI 96817

Phone 808-539-5000  
Fax 808-539-5057  
[www.securitasinc.com](http://www.securitasinc.com)



The 60-day “grace period”, which the SB 1264 undertakes to provide guards whom have applied for registration with the DCCA, is both logical and necessary. The guard industry has been severely negatively impacted since Act 208 was implemented in 2013. Simply, the DCCA has not been able to add the resources required to service the security industry (with over 10,000 guards statewide) consistently to register guard applicants in a timely manner. These delays have resulted in business losses estimated to be over \$1,000,000 per month in industry overtime pay. As a result, this has become a barrier to entry due to slow processing of GDE applicants; job sites not being covered (danger to public); and an ever shrinking labor pool with overworked existing guards. SB 1264 would provide the DCCA ample time to process applicants, while enabling applicants to begin earning income.

Page 2 of 2

The Preamble to Section 10.5 of HRS 463 actually reads: “(a) Effective July 1, 2013, all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity shall apply to register with the board, and meet the following registration, instruction, and training requirements prior to acting as a guard.” SB 1264 would correct the current misinterpretation of this language by the DCCA & Board of Private Detectives and Guards.

I strongly support SB 1264 and wish to thank you and the IAC Committee for this opportunity to present my testimony.

Mahalo,

Sanj Sappal  
Area Vice President – Hawaii/Guam  
Securitas Security Services USA, Inc.  
888 N. Nimitz Highway, #105  
Honolulu, HI 96817  
sanj.sappal@securitasinc.com  
808-539-5056

# Memo

February 22, 2017



Via Fax 586-8479

**TESTIMONY OF  
Lee Donohue, Director of Security & Principal Responsible Licensee,  
Securitas Security Services – Hawaii/Guam**

The Honorable Rosalyn Baker, Chair  
TO THE SENATE COMMITTEE ON INTRASTATE COMMERCE

THE TWENTY-NINTH LEGISLATURE  
Regular Session of 2017

Friday, February 24, 2017  
9:30 a.m. Conference Room 229

**TESTIMONY IN SUPPORT OF SENATE BILL NO. 1264, RELATING TO SECURITY GUARDS**

TO THE HONORABLE ROSALYN BAKER, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Lee D. Donohue. I am the Director of Security and Principal Responsible Licensee of Securitas Security Services, Hawaii/Guam. I am testifying in support of SB 1264.

The 60-day “grace period”, which the SB 1264 undertakes to provide guards whom have applied for registration with the DCCA, is both logical and necessary. The guard industry has been severely negatively impacted since Act 208 was implemented in 2013. Simply, the DCCA has not been able to add the resources required to service the security industry consistently to register guard applicants in a timely manner. This failure has resulted in business losses (estimated be over \$1,000,000 per month in industry overtime pay) due to slow processing of GDE applicant; job sites not being covered (danger to public); and an ever shrinking labor pool. SB 1264 would provide the DCCA ample time to process applicants, while enabling applicants to begin earning income.

*Securitas Security  
Services USA, Inc.*  
888 N. Nimitz Highway  
Suite 105  
Honolulu, HI 96817

Phone 808-539-5000  
Fax 808-539-5057  
www.securitasinc.com



The Preamble to Section 10.5 of HRS 463 actually reads: “(a) Effective July 1, 2013, all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity shall apply to register with the board, and meet the following registration, instruction, and training requirements prior to acting as a guard.” I do not believe that the Legislature created Act 208 with the intent of the Security Industry in Hawaii to lose tremendous revenue while attempting to comply with the newly enacted law. SB 1264 would correct the current misinterpretation of this language by the DCCA & Board of Private Detectives and Guards.

Page 2 of 2

Mahalo,

Lee D. Donohue  
Director of Security and Principal Responsible Licensee  
Securitas Security Services – Hawaii/Guam  
888 N. Nimitz Hwy, Ste 105, Honolulu, HI 96817  
(808) 573-5617  
Lee.Donohue@Securitasinc.com



**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 17, 2017 2:20 PM  
**To:** CPH Testimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** \*Submitted testimony for SB1264 on Feb 24, 2017 09:30AM\*

**SB1264**

Submitted on: 2/17/2017

Testimony for CPH on Feb 24, 2017 09:30AM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

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.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)