

STAND. COM. REP. NO.

3440

Honolulu, Hawaii

APR 05 2018

RE: H.B. No. 2071
H.D. 2
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred H.B. No. 2071, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the Departments of Transportation, Land and Natural Resources, Taxation, and the Attorney General with police powers;
- (2) Prohibit employment of non-certified law enforcement officers beginning on July 1, 2019;
- (3) Establish the law enforcement standards board special fund; and
- (4) Appropriate funds to defray the expenses of the Board.

Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Department of Public Safety, Department of Transportation, Young Progressives Demanding Action, and two individuals. Your Committees received



comments on this measure from the Department of the Attorney General and Department of Budget and Finance.

Your Committees find that consistency in recruitment and training are key for state and county law enforcement agencies. Despite this, Hawaii is the only state in the country without any state-level regulation of law enforcement officers, as regulation is left to the counties. The State also does not have minimum standards required for certifying a law enforcement officer and has no procedure for revocation of an officer's certification for serious misconduct. Your Committees find that the establishment of consistent, statewide standards for the recruitment, training, and certification of law enforcement officers, as well as a prohibition against law enforcement officers who are terminated for misconduct from being hired by another state or county law enforcement agency as a law enforcement officer, will benefit public health, safety, and welfare.

Your Committees have received testimony from the Department of the Attorney General expressing concern that the unpaid law enforcement standards board as it is described in this measure may not be sufficient to adequately establish sufficient statewide standards for law enforcement officers. The establishment of such standards will likely require additional action by the Legislature, and could necessitate the creation of additional offices or agencies, such as a state law enforcement training academy. The issues of law enforcement standards and certification require further study and evaluation to create a comprehensive and long-term solution.

Your Committees note that S.B. No. 2427, S.D. 2, H.D. 1 (Regular Session of 2018), a version of which was previously passed by the Senate, is a substantially similar measure that establishes a law enforcement working group to recommend certification and de-certification requirements for law enforcement officers and prohibits law enforcement officers who are terminated for misconduct from being hired as law enforcement officers by another state or county department, agency, or office. Your Committees conclude that the language in S.B. No. 2427, S.D. 2, H.D. 1, is preferable because it establishes a working group consisting of representatives of state and county law enforcement, human resources development, and the community, that can evaluate the issues of standards and certification and make recommendations



to the Legislature without permanently establishing a permanent board that may be insufficient to comprehensively address such issues on its own.

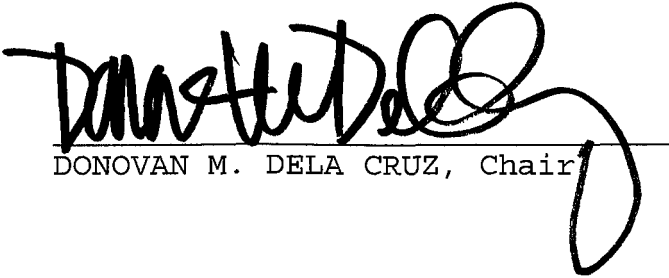
Accordingly, your Committees have amended this measure by:

- (1) Deleting its contents and inserting the contents of S.B. No. 2427, S.D. 2, H.D. 1, a substantially similar measure, which:
 - (A) Establishes a temporary law enforcement working group to recommend certification and de-certification requirements for state and county law enforcement officers who carry firearms and badges and have arrest authority;
 - (B) Prohibits law enforcement officers who are terminated for misconduct by a state or county department, agency, or office in a law enforcement capacity from being hired by another state or county law enforcement department, agency, or office unless the officer is reinstated through collective bargaining or the legal process; and
 - (C) Inserts an effective date of January 1, 2050; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2071, H.D. 2, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as H.B. No. 2071, H.D. 2, S.D. 2.



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



DONOVAN M. DELA CRUZ, Chair



BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

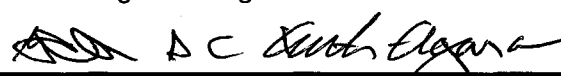
Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:	Committee Referral:	Date:		
<i>HB 2071, HD2, SD1</i>	<i>PSM/LBR, JDC/WAM</i>	<i>3/29/2018</i>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	<i>4</i>	<i>0</i>	<i>0</i>	<i>1</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes

The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:* HB2071 HDZ SDI	Committee Referral: PSM/LBR, JDC/WAM	Date: 3/29/18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
DELA CRUZ, Donovan M. (C)	X			
KEITH-AGARAN, Gilbert S.C. (VC)	X			
ENGLISH, J. Kalani	X			
GALUTERIA, Brickwood	X			
HARIMOTO, Breene				X
INOUYE, Lorraine R.	X			
KAHELE, Kaiali'i	X			
KIDANI, Michelle N.	X			
RIVIERE, Gil				X
SHIMABUKURO, Maile S.L.	X			
WAKAI, Glenn	X			
TOTAL	9			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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