

HB 2383

RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS

A BILL FOR AN ACT

RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS.

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

1 SECTION 1. The legislature finds that deputy sheriffs
2 routinely serve the community by providing off-duty law
3 enforcement service, commonly known as "special duty" services,
4 for monetary compensation, to persons, organizations, and
5 government entities other than the state department of public
6 safety. Therefore, the legislature finds it is appropriate to
7 include statutory authorization for special duty employment by
8 deputy sheriffs.

9 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§353C- Special duty employment: deputy sheriffs. (a)
13 Deputy sheriffs may engage in special duty employment.
14 "Special duty" means the performance of a service for a person,
15 organization, or governmental entity other than the department,
16 by a deputy sheriff of the sheriff division acting in a law
17 enforcement capacity while off-duty from the department, in

H. B. NO. 2383

1 return for which the deputy sheriff receives a direct or
2 indirect payment or compensation of some kind.

3 (b) The department shall maintain, and revise when
4 necessary, policy and procedures to govern the processing of
5 requests for special duty and establish the compensation
6 schedule for law enforcement services provided by deputy
7 sheriffs performing special duty work."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: _____

Jan

13

BY REQUEST

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JAN 22 2018

H.B. NO. 2383

Report Title:

Deputy Sheriffs; Special Duty

Description:

Authorizes what is commonly known as "special duty" services, wherein deputy sheriffs serve the community by providing off-duty law enforcement services for monetary compensation to persons, organizations, and government entities other than the State Department of Public Safety. Requires the state Department of Public Safety to maintain, and revise when necessary, its policy and procedures that govern the processing of special duty requests and establish a compensation schedule for law enforcement services provided by deputy sheriffs performing special duty work.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

JUSTIFICATION SHEET

DEPARTMENT: Department of Public Safety, Sheriff Division

TITLE: A BILL FOR AN ACT RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS.

PURPOSE: This bill provides statutory authorization for off-duty law enforcement services, commonly known as "special duty" services, for monetary compensation, to persons, organizations, and government entities other than the State Department of Public Safety.

MEANS: Add a new section to chapter 353C, Hawaii Revised Statutes.

JUSTIFICATION: This bill will provide clarity by legislatively authorizing deputy sheriffs to provide off-duty law enforcement services, commonly known as "special duty" services, for monetary compensation to persons, organizations, and government entities other than the State Department of Public Safety. This bill requires the State Department of Public Safety to maintain, and revise when necessary, its policy and procedures governing special duty work.

Impact on the public: Provide clarity to persons, organizations, and government entities seeking services of off-duty deputy sheriffs.

Impact on the department and other agencies: Clarity will be provided to the Department of Public Safety, Sheriff Division, as it relates to special duty requests.

GENERAL FUND: None.

OTHER FUNDS: None.

OTHER AFFECTED AGENCIES: Department of Human Resources Development; Department of Budget and Finance; all state agencies requesting special duty services

EFFECTIVE DATE: Upon approval.

HB 2383

TESTIMONY

DAVID Y. IGE
GOVERNOR

DOUGLAS S. CHIN
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

DAMIEN A. ELEFANTE
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF TAXATION**

830 PUNCHBOWL STREET, ROOM 221
HONOLULU, HAWAII 96813

<http://tax.hawaii.gov/>

Phone: (808) 587-1540 / Fax: (808) 587-1560

Email: Tax.Directors.Office@hawaii.gov

To: The Aaron Ling Johanson
and Members of the House Labor & Public Employment

Date: Thursday, February 8, 2018
Time: 9:00 A.M.
Place: Conference Room 309, State Capitol

From: Linda Chu Takayama, Director
Department of Taxation

Re: H.B. 2383, Relating to Special Duty for Deputy Sheriffs.

The Department of Taxation strongly supports H.B. 2383, an Administration measure, and provides the following comments your consideration.

H.B. 2383, requires the Department of Public Safety to develop policy and procedures to govern the processing of requests for “special duty” service performed by deputy sheriffs. Deputy Sheriffs perform “special duty” service by providing off-duty law enforcement services for monetary compensation to persons, organizations, and government entities other than the Department of Public Safety.

Deputy Sheriffs continue to provide “special duty” service at the Princess Ruth Keelikolani Building where the main Department of Taxation office is located. Special duty Deputy Sheriffs provide a necessary law enforcement presence and ensure the safety of everyone at our Department. The development of policy and procedures for the processing these requests is very important to the Department as additional “special duty” services may be requested in the future.

Thank you for the opportunity to provide comments.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 2383
RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS
by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Labor and Public Employment
Representative Aaron Ling Johanson, Chair
Representative Daniel Holt, Vice Chair

Thursday, February 8; 9:00 a.m.
State Capitol, Conference Room 309

Chair Johanson, Vice Chair Holt, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 2383, which proposes to statutorily authorize what is commonly known as "special duty" services, wherein deputy sheriffs serve the community by providing off-duty law enforcement services for monetary compensation to persons, organizations, and government entities other than the State Department of Public Safety. HB 2383 further proposes that PSD maintain, and revise when necessary, its policies and procedures governing the processing of special duty requests and establish a compensation schedule for law enforcement services provided by deputy sheriffs performing special duty work.

The department now comes before the Legislature to request the statutory authority to continue the off-duty law enforcement services we have provided to the community in a wide variety of areas. For example, deputy sheriffs routinely provide security presence for the primary and general elections at the State Capitol; the State Department of Tax and Labor Relations building during business hours; after-hours construction projects at state buildings; collegiate and high school sporting

and extra-curricular events at the University of Hawaii, Aloha Stadium, Department of Education schools; daily security presence and traffic control at private schools such as Punahou School and Maryknoll School; as well as privately sponsored events enjoyed by the public such as the Sony Open, marathons, and privately held events at the Okinawan Center, Bishop Museum, YMCA, Dole Cannery, and churches, to name a few.

State agencies as well as many of the State of Hawaii's communities and organizations avail themselves of these services. PSD has updated and revised our policies and procedures governing the special duty program, and it is currently pending consult with the union. The department also submitted a report to the Legislature pursuant to Act 75, Session Laws of Hawaii 2017, which documents special duty work performed between July 1, 2016 and December 31, 2017. PSD now comes before the Legislature to request the statutory authority to continue the service which we have routinely provided for years.

Thank you for the opportunity to present this testimony.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Labor & Public Employment
February 8, 2018 at 9:00 a.m.

by
Carrie Okinaga, Vice President for Legal Affairs
University of Hawai'i System

HB 2383 – RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS

Chair Johanson, Vice Chair Holt, and Members of the Committee:

Thank you for the opportunity to present testimony in support of HB 2383, Relating to Special Duty for Deputy Sheriffs.

The University of Hawai'i ("University") supports HB 2383 which proposes to statutorily authorize what is commonly known as "special duty" service, wherein deputy sheriffs serve the community by providing off-duty law enforcement services for monetary compensation to persons, organizations, and government entities other than the State Department of Public Safety.

Deputy sheriffs have provided this service for the last few years at Les Murakami Stadium. Special duty deputy sheriffs provide a necessary law enforcement presence and ensure the safety of everyone at the stadium. The deputy sheriffs have replaced the presence of county police officers at these events. Deputy sheriffs have also provided valuable special duty services at large events on the University's Mānoa campus.

Based on the foregoing, the University supports HB 2383.



**STATE OF HAWAII
OFFICE OF ELECTIONS**

802 LEHUA AVENUE
PEARL CITY, HAWAII 96782
elections.hawaii.gov

SCOTT T. NAGO
CHIEF ELECTION OFFICER

TESTIMONY OF THE
CHIEF ELECTION OFFICER, OFFICE OF ELECTIONS
TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
ON HOUSE BILL NO. 2383
RELATING TO SPECIAL DUTY FOR DEPUTY SHERIFFS

February 8, 2018

Chair Johanson and members of the House Committee on Labor and Public Employment, thank you for the opportunity to testify in support of House Bill No. 2383. The purpose of this bill is to authorize "special duty" services, wherein deputy sheriffs serve the community by providing off-duty law enforcement services for monetary compensation to persons, organizations, and government entities other than the State Department of Public Safety, and requires the state Department of Public Safety to maintain, and revise when necessary, its policy and procedures that govern the processing of special duty requests, and establish a compensation schedule for law enforcement services provided by deputy sheriffs performing special duty work.

The Office of Elections uses the State Capitol as our control and counting centers for primary and general elections, and various state buildings have served as polling places. The deputy sheriffs have provided valuable security services at these locations during the elections. We have benefitted from their assistance for more than 20 years. They have been cooperative in meeting our security requirements and schedule. Deputy sheriffs have ensured that only properly credentialed personnel have access to the control and counting centers. We feel a law enforcement presence is necessary at a location where sensitive election materials are distributed, collected, and processed, thereby maintaining the integrity of the electoral process. Their presence also maintains order and ensures the safety of the more than 600 staff and volunteers working on election day. We look forward to continuing to work with them in future elections.

Thank you for the opportunity to testify in support of House Bill No. 2383.

To Whom It May Concern:

My name is Renee Bergeron, Ph.D., NCSP, and I have been a school psychologist in Leeward district for the past 10 years. There has also been a shortage of school psychologists in Leeward district—and across the entire state—since I began working in Hawai'i in 2005. Though there are a variety of reasons for this shortage (e.g., no school psychology graduate program in Hawai'i), one constant issue that comes up is the cost of living here in relation to the salary for the position. This is also the reason frequently cited for qualified school psychologists who leave the island.

But the goal should not just be to fill positions; we need quality applicants to fulfill these vacancies. In order to recruit qualified applicants for vacant school psychologist positions, Hawai'i needs to become more competitive in the market. One way to encourage qualified applicants would be the inclusion of an annual bonus for those who are a Nationally Certified School Psychologist (NCSP). Holding one's NCSP ensures that the individual has met rigorous training and continuing professional development requirements. It requires completion of a graduate program approved by the National Association of School Psychologists (NASP), including a supervised internship and passing a national standardized examination; maintaining one's NCSP requires completing a minimum of 75 hours of continuing professional development and education within each 36 month renewal period.

Because holding one's NCSP makes him or her a valuable employee, many states offer a bonus for school psychologists who have their NCSP. According to the NASP website, as of July 2015, the state of Hawai'i had the *fewest* number of NCSPs among all 50 states and the District of Columbia.

I believe that HB 2383 will benefit the Department of Education—and ultimately the students—by helping to recruit and retain highly trained and competent school psychologists by offering compensation for their qualifications.

Sincerely,

Renee Bergeron, Ph.D., NCSP



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Twenty-Ninth Legislature, State of Hawaii
House of Representatives
Committee on Labor and Public Employment

Testimony by
Hawaii Government Employees Association

February 8, 2018

H.B. 2383 – RELATING TO SPECIAL DUTY
FOR DEPUTY SHERIFFS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 2382, which authorizes special duty services for Deputy Sheriffs and requires the Department of Public Safety to develop a compensation schedule and policies & procedures to govern special duty requests.

Although policies and procedures regarding special duty currently exist, H.B. 2382 ensures express statutory authorization to govern special duty, granting Deputy Sheriffs the equivalency to that of County Police Officers. This measure ensures consistency, transparency and fairness within the Department and represents active steps in a positive direction. Upon passage, we look forward to working with the Department to implement this measure.

Thank you for the opportunity to testify in support of H.B. 2382.

Respectfully submitted,

Randy Perreira
Executive Director

HB 2383

**LATE
TESTIMONY**