

SB2058

Measure Title: RELATING TO PRIVATE DETECTIVES AND GUARDS.

Report Title: Private Detectives; Private Guards; Law Enforcement Officers; Association with Government Agency Prohibited; Identification; Board of Private Detectives and Guards

Description: Prohibits private detectives and guards from self-identifying as law enforcement officers, police, or police officers and from wearing or using any badge, uniform, equipment, vehicle, or other accoutrement capable of being associated with that of a law enforcement officer employed by a government law enforcement organization. Requires review and approval of any badge, uniform, equipment, vehicle, or other accoutrement to be used by private detectives or guards by the board of private detectives and guards.

Companion: [HB2061](#)

Package: None

Current Referral: PSM, CPH

Introducer(s): BAKER, GABBARD, GALUTERIA, HARIMOTO, INOUYE, NISHIHARA, RUDERMAN, S. Chang, Green, Ihara, Shimabukuro, Taniguchi, L. Thielen

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

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

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Tuesday, February 20, 2018
10:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2058, RELATING TO PRIVATE DETECTIVES AND GUARDS.

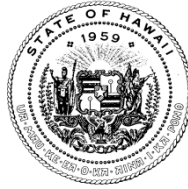
TO THE HONORABLE ROSALYN H. BAKER, CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Charlene Tamanaha, and I am the Executive Officer for the Board of Private Detective and Guards ("Board"). Thank you for the opportunity to testify on S.B. 2058, which is a companion to H.B. 2061. The Board appreciates the intent of this measure and offers the following comments.

This measure: (1) proposes to clarify that private detectives and guards are prohibited from self-identifying as law enforcement officers, the police, or police officers; and (2) requires periodic review of any insignia used by private detectives or guards to ensure the insignia does not lead to any confusion by the public as to the legal authority of private detectives and guards.

The Board appreciates the intent of this measure, which further clarifies in Hawaii Revised Statutes ("HRS") section 463-11 that licensees or registrants are prohibited from identifying as law enforcement officers, the police, or police officers. However, the proposed requirements that the Board review and approve all badges, uniforms, forms of identification, emblems, and other accoutrements to be worn or used by a licensee or his employee, as well as review and approve any subsequent changes, already exist under section 16-97-14 of the Board's administrative rules. Therefore, the Board respectfully submits these amendments are redundant and unnecessary.

Thank you for the opportunity to submit written testimony on S.B. 2058.



Testimony for:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 20, 2018
9:00 a.m.
State Capitol, Room 225

S.B. 2058, S.D. 1
RELATING TO PRIVATE DETECTIVES AND GUARDS

Senate Committee on Commerce, Consumer Protection and Health

The Department of Transportation (DOT) opposes S.B. 2058, S.D.1, Relating to Private Detectives and Guards.

The intent of S.B. 2058, S.D. 1 is to amend Sections 463-3 and 11, Hawaii Revised Statutes (HRS), which will have unintended consequences impacting the DOT's ability to provide for law enforcement and security services at our Airports and Harbors to secure and protect our facilities and the public and to promote freedom of movement for people and commerce.

The DOT is responsible for Hawaii's airports, harbors and highways. Each of our airports are regulated by the U.S. Department of Homeland Security, Transportation Security Administration (TSA) and we are required to develop and comply with an Airport Security Plan (ASP), which contains Security Sensitive Information as defined by federal law (49 C.F.R. Part 1520). The ASP requires law enforcement and security personnel to be assigned to secured and non-secured areas of the airport to prevent breaches and introduction of explosive devices and prohibited items into these areas. Any breach to these secured areas requires the immediate evacuation of all passengers, employees, airlines personnel, concessionaires and tenants to protect lives and property. This will result in the delay of flights, both departures and arrivals, until the areas are inspected and deemed by the TSA to be safe for the movement of people and commerce.

Each of our harbor ports are also regulated by the U.S. Coast Guard (USCG) and required to develop and comply with an Facility Security Plan (FSP), which contains Security Sensitive Information. Each FSP has similar security requirements to provide for law enforcement and security services to ensure our harbor ports are safe and secured.

To comply with the provisions of the ASP under 49 C.F.R. 1542 for Airports and with the provisions of the FSP under 33 C.F.R. Subchapter H and the Maritime Transportation Security Act (MTSA) of 2002 under 33 C.F.R. Part 105 for Harbors, the Director has been authorized under HRS, §261-17 for Airports and HRS, §266-24 for Harbors to commission qualified trained private contract security personnel with law enforcement and security powers specific to the designated facility and its premises. Their law enforcement authority, commission, firearm, and other related law enforcement equipment is restricted to the premises of the Airports and Harbors during official work hours.

To this end, if S.B. 2058, S.D. 1 is enacted an unintended consequence will result in the DOT not being able to commission and administer the oath of office to private contract security personnel as law enforcement officers acquired to comply with the ASPs for Airports and FSPs for Harbors.

Finally, any violations of the ASP (TSA security regulations) requires the TSA under 49 C.F.R. Part 1503.401, issuing civil monetary penalties up to \$13,066 per violations to the airport operators and not the responsible entity or person committing the alleged infraction. Continued infraction could result in TSA voiding the ASP. To this end, the DOT must retain the authority and ability to be responsible for and accountable to comply with federal regulations.

Thank you for the opportunity to provide testimony.