

SB2429 SD1

Measure Title: RELATING TO GUARDS.

Report Title: Guards; Background Checks; Prior Employment

Description: Prohibits a security guard from possessing a firearm in the course of employment if the guard was discharged from employment as a law enforcement officer due to poor employment standing. Requires state and county law enforcement agencies to make appropriate disclosures. (SD1)

Companion:

Package: None

Current Referral: PSM/LBR, CPH

Introducer(s): NISHIHARA, BAKER, ESPERO, K. RHOADS, WAKAI

**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 2018

Friday, February 23, 2018
11:00 a.m.

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL NO. 2429, S.D. 1, RELATING TO GUARDS.

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

My name is Charlene L.K. Tamanaha, and I am the Executive Officer of the Board of Private Detectives and Guards (“Board”). Thank you for the opportunity to testify on S.B. 2429, S.D. 1. The Board appreciates the intent of this measure but has concerns regarding the ability of the Board to implement the proposed requirements and the ability of guard employer licensees to obtain prior employment and discharge information from state, federal, or county law enforcement agencies.

This measure proposes to:

1. Add definitions of “Discharge due to poor employment standing” and “law enforcement officer”;
2. Require a restriction placed on the individual’s license that prevents the individual from possessing a firearm in the course of employment if the individual has been discharged from employment as a law enforcement officer due to poor employment standing;
3. Prohibit each employee, including the principal guard, from possessing a firearm in the course of employment if the individual has been discharged from employment as a law enforcement officer due to poor employment standing;
4. Require the employer of a prospective guard employee or principal guard to conduct a prior employment background check to determine if the prospective employee has ever served as a law enforcement officer. The background check, at minimum, shall request from each governmental agency for which the applicant served as a law enforcement officer, a statement of whether or not the applicant has been discharged from employment as a law enforcement officer due to poor employment standing;

5. Require the Department of Public Safety, Department of Transportation, and any police department of the several counties, upon request from an employer seeking information, to disclose whether the prospective employee was discharged from employment due to poor employment standing;
6. Require the Board to conduct an investigation of the applicant's background, character, competency, and integrity as it deems appropriate and request from each governmental agency for which the applicant served as a law enforcement officer, a statement as to whether or not the applicant was discharged from employment as a law enforcement officer due to poor employment standing;
7. Require the Department of Public Safety, Department of Transportation, and the police departments of the several counties to provide the relevant information upon request to the Director of the Department of Commerce and Consumer Affairs; and
8. Require the guard applicant to agree to refrain from possessing a firearm in the course of employment if the individual has been discharged from employment as a law enforcement officer due to poor employment standing.

The requirements of this bill rely heavily on the ability of the Board and guard agencies to obtain discharge information of law enforcement officers from any state, federal, or county law enforcement agency. The Board is concerned that other state laws may prevent law enforcement agencies from providing discharge information, thereby precluding the Board and guard agencies from compliance.

In addition, the Board prohibits the carrying of weapons unless specifically authorized in writing by the appropriate state agency or chief of police in the county or counties in which the private detective or guard is doing business. The Board is not the approving body of the right to carry firearms in the State. Therefore, the proposed restriction in the licensee file may not prevent the county or state law enforcement agency from granting a permit to carry a firearm.

The Board is also concerned that the prior employment background check, in addition to the criminal background check, will significantly add to the review and processing times of applications for which the board is consistently criticized.

Thank you for the opportunity to submit written testimony on S.B. 2429, S.D. 1.

SB-2429-SD-1

Submitted on: 2/21/2018 1:23:36 PM

Testimony for CPH on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

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Submitted on: 2/22/2018 11:36:44 PM

Testimony for CPH on 2/23/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharon Ameen	Individual	Comments	No

Comments:

It has come to my attention that two bills have been introduced, SB2924 and HB2209, that will establish an individual insurance mandate. I would like to ask that you keep health care sharing ministries in mind and consider amending the legislation to exempt members of health care sharing ministries or consider membership in a health care sharing ministry credible coverage. Recently, three other states have introduced insurance mandate legislation, Maryland, Washington, and Vermont. MD S1011, WA S6084 and VT H696 have included language that states that members of a health care sharing ministry are not subject to the individual mandate. These exemptions are consistent with the Affordable Care Act [26 United States Code Section 5000A, (d), (2), (B)] and Massachusetts regulation, 956 CMR 5.03:(3)(a)3.

As SB2924 and HB2209 are heard in committee, please consider what MD, WA, VT, the ACA, and MA have already done as it relates to exempting health care sharing ministry members. I appreciate the hard work you are doing for the residents of Hawaii, and I thank you for your consideration of your constituents that are members of a health care sharing ministry.

Mahalo,

Sharon Ameen