

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

TO THE SENATE COMMITTEES ON
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
AND
LABOR

TWENTY-NINTH LEGISLATURE
Regular Session of 2018

Tuesday, February 13, 2018
1:15 p.m.

TESTIMONY ON SENATE BILL NO. 2429, RELATING TO GUARDS.

TO THE HONORABLE CLARENCE NISHIHARA, CHAIR, THE HONORABLE JILL TOKUDA, CHAIR, AND MEMBERS OF THE COMMITTEES:

My name is Charlene L.K. Tamanaha, and I am the Executive Officer of the Board of Private Detective and Guards ("Board"). Thank you for the opportunity to testify on S.B. 2429. The Board appreciates the intent of this measure but has concerns regarding the ability of the Board to implement the proposed requirements, as well as 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 the applicant has been discharged from employment as a law enforcement officer due to poor employment standing;
5. Require the Department of Public Safety 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 to request from each governmental agency for which the applicant served as a law enforcement officer a statement as to whether the applicant was discharged from employment as a law enforcement officer due to poor employment standing;
 7. Require the Department of Public Safety and the police departments of the several counties to provide the relevant information on 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.

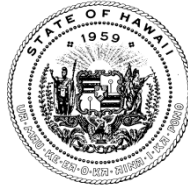
The requirements of this bill rely heavily on the ability of the Board and guard agencies to obtain discharge information of law enforcement officers from any state, federal, or county law enforcement agency. The Board is concerned other state laws may prevent law enforcement agencies from providing 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 for the right to carry firearms in this State. Therefore, a restriction in the

licensee file as proposed 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 testify on S.B. 2429.



Testimony for:
JADE T. BUTAY
INTERIM DIRECTOR

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

IN REPLY REFER TO:

LATE

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

February 13, 2018
1:15 p.m.
State Capitol, Room 229

S.B. 2429
RELATING TO GUARDS

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
and
Senate Committee on Labor

The Department of Transportation (DOT) **supports** and requests amendments to S.B. 2429 relating to guards which amends Section 463-1, Hawaii Revised Statutes to prohibit security guards 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.

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). 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.

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). 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.

Given these law enforcement duties, DOT respectfully requests that the Section 463-B (d) be amended to read as follows:

"(a) The department of public safety **and department of transportation** and any police department of the several counties, upon request from an employer seeking information relevant to section (c) (1), shall disclose whether the prospective employee was discharged from employment with the department due to poor employment standing."

DOT further respectfully requests that the Section 463-9 (b) be amended to read as follows:

"(b) The department of public safety **and department of transportation** and any police department of the several counties, for the purposes of subsection (a) (1), shall provide relevant information on request to the director of commerce and consumer affairs."

Thank you for the opportunity to provide testimony.

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