
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL.

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

1 PART I

2 SECTION 1. There is appropriated out of the general
3 revenues of the State of Hawaii the sum of \$ or so much
4 thereof as may be necessary for fiscal year 2019-2020 for the
5 establishment of one permanent full-time equivalent (1.0 FTE)
6 Hawaiian culture attorney position with expertise in the
7 Hawaiian language, Hawaiian culture, and Hawaiian shoreline
8 public access within the department of the attorney general.

9 The sum appropriated shall be expended by the department of
10 the attorney general for the purposes of this Act.

11 PART II

12 SECTION 2. The legislature, by Act 220, Session Laws of
13 Hawaii 2018, enacted chapter 139, Hawaii Revised Statutes, to
14 create a law enforcement standards board for the certification
15 of law enforcement officers, including county police officers,
16 state public safety officers, and employees with police powers



1 at the departments of transportation, of land and natural
2 resources, of the attorney general, and of taxation.

3 The board is responsible for establishing minimum standards
4 for employment as a law enforcement officer and certifying
5 persons qualified as law enforcement officers. It is also
6 responsible for establishing minimum criminal justice curriculum
7 requirements for basic, specialized, and in-service courses and
8 programs for the training of law enforcement officers. It must
9 consult and cooperate with the counties, state agencies, other
10 governmental agencies, universities and colleges, and other
11 institutions, concerning the development of law enforcement
12 officer training schools and programs. The board is also
13 responsible for regulating and enforcing the certification
14 requirements of law enforcement officers.

15 These are important and substantial duties that require
16 evaluation to ensure that existing legal obligations are not
17 compromised. Before imposing new standards impacting the
18 employment of law enforcement officers, the board must consider
19 collective bargaining and other employment requirements. At a
20 minimum, the board must evaluate how probationary periods,
21 training requirements (i.e., the types of training, the number



1 of hours of training, and the availability of training
2 facilities), and the issuance, suspension, and revocation of
3 certification will impact obligations already established by
4 law.

5 Such evaluation should include consideration of the study
6 conducted by the legislative reference bureau pursuant to Act
7 124, Session Laws of Hawaii 2018, and any additional study
8 necessary to determine the impact of uniform standards,
9 certification, and training for all law enforcement. The board
10 has determined that it will need significantly more time and
11 funds to accomplish its mission.

12 The purpose of this part is to:

- 13 (1) Clarify board membership requirements to facilitate
14 participation and representation;
- 15 (2) Enable the board to research the impact of uniform
16 standards, certification, and training on existing
17 legal requirements;
- 18 (3) Establish new and more realistic deadlines for the
19 completion of the board's significant
20 responsibilities; and



1 (4) Provide appropriate funds and resources to enable the
2 board to accomplish its mission.

3 SECTION 3. Section 139-2, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

5 "(a) There is established the law enforcement standards
6 board within the department of the attorney general for
7 administrative purposes only. The purpose of the board shall be
8 to provide programs and standards for training and certification
9 of law enforcement officers. The law enforcement standards
10 board shall consist of the following voting members: nine ex
11 officio individuals [~~two~~] or their designees, five law
12 enforcement officers, and four members of the public.

13 (1) The nine ex officio members of the board shall consist
14 of the:

15 (A) Attorney general [~~+~~] or the attorney general's
16 designee;

17 (B) Director of public safety [~~+~~] or the director's
18 designee;

19 (C) Director of transportation or the director's
20 designee;



- 1 (D) Chairperson of the board of land and natural
2 resources or the chairperson's designee;
- 3 (E) Director of taxation or the director's designee;
4 and
- 5 (F) Chiefs of police of the four counties[+] or the
6 designee of each of the chiefs of police;
- 7 (2) The [~~two~~] five law enforcement officers shall be from
8 each of the four counties and one from the State,
9 shall each have at least ten years of experience as a
10 law enforcement officer [~~and~~], shall be appointed by
11 the governor[+] and notwithstanding section 26-34,
12 shall not be subject to senatorial confirmation; and
- 13 (3) The four members of the public shall consist of one
14 member of the public from each of the four counties
15 and shall be appointed by the governor. At least two
16 of the four members of the public holding a position
17 on the board at any given time shall:
- 18 (A) Possess a master's or doctorate degree related to
19 criminal justice;
- 20 (B) Possess a law degree and have experience:



1 (i) Practicing in Hawaii as a deputy attorney
2 general, a deputy prosecutor, a deputy
3 public defender, or a private criminal
4 defense attorney; or

5 (ii) Litigating constitutional law issues in
6 Hawaii;

7 (C) Be a recognized expert in the field of criminal
8 justice, policing, or security; or

9 (D) Have work experience in a law enforcement
10 capacity [~~; provided that experience in a county
11 police department shall not itself be sufficient
12 to qualify under this paragraph~~].

13 (b) The law enforcement officers and the members of the
14 public on the board shall serve for a term of [~~three~~] four
15 years [~~7~~]; provided that the initial terms shall be staggered, as
16 determined by the governor."

17 SECTION 4. Section 139-3, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[+] §139-3 [+] Powers and duties of the board. The board
20 shall:



- 1 (1) Adopt rules in accordance with chapter 91 to implement
2 this chapter;
- 3 (2) Establish minimum standards for employment as a law
4 enforcement officer and to certify persons to be
5 qualified as law enforcement officers;
- 6 (3) Establish criteria and standards in which a person who
7 has been denied certification, whose certification has
8 been revoked by the board, or whose certification has
9 lapsed may reapply for certification;
- 10 (4) Establish minimum criminal justice curriculum
11 requirements for basic, specialized, and in-service
12 courses and programs for schools operated by or for
13 the State or a county for the specific purpose of
14 training law enforcement officers;
- 15 (5) Consult and cooperate with the counties, agencies of
16 the State, other governmental agencies, universities,
17 colleges, and other institutions concerning the
18 development of law enforcement officer training
19 schools and programs of criminal justice instruction;



- 1 (6) Employ[~~, subject to chapter 76,~~] an administrator and
2 other persons necessary to carry out its duties under
3 this chapter;

- 4 (7) Investigate when there is reason to believe that a law
5 enforcement officer does not meet the minimum
6 standards for employment, and in so doing, may:
 - 7 (A) Subpoena persons, books, records, or documents;
 - 8 (B) Require answers in writing under oath to
9 questions asked by the board; and
 - 10 (C) Take or cause to be taken depositions as needed
11 in investigations, hearings, and other
12 proceedings,
13 related to the investigation;

- 14 (8) Establish and require participation in continuing
15 education programs for law enforcement officers;

- 16 (9) Have the authority to charge and collect fees for
17 applications for certification as a law enforcement
18 officer; [~~and~~]

- 19 (10) Establish procedures and criteria for the revocation
20 of certification issued by the board[~~-~~];



1 (11) Consider studies relevant to the board's objectives,
 2 including but not limited to the study that examines
 3 consolidating the law enforcement activities and
 4 responsibilities of various state divisions and
 5 agencies under a single, centralized state enforcement
 6 division or agency, conducted pursuant to Act 124,
 7 Session Laws of Hawaii 2018; and

8 (12) Conduct its own study to evaluate how to efficiently
 9 and effectively satisfy its duties in accordance with
 10 the law."

11 SECTION 5. Act 220, Session Laws of Hawaii 2018, is
 12 amended by amending section 6 to read as follows:

13 "SECTION 6. This Act shall take effect on July 1, 2018;
 14 provided that [~~the law enforcement standards board established~~
 15 ~~under this Act shall finalize its standards and certification~~
 16 ~~process by July 1, 2019.] sections -5 through -8 of this
 17 Act shall take effect on July 1, 2023."~~

18 SECTION 6. There is appropriated out of the general
 19 revenues of the State of Hawaii the sum of \$275,000 or so much
 20 thereof as may be necessary for fiscal year 2019-2020 for
 21 deposit into the law enforcement standards board special fund.



1 SECTION 7. There is appropriated out of the law
2 enforcement standards board special fund the sum of \$275,000 or
3 so much thereof as may be necessary for fiscal year
4 2019-2020 for:

- 5 (1) One permanent administrator position (1.0 FTE) exempt
6 from chapter 76, Hawaii Revised Statutes, and one
7 permanent clerical position (1.0 FTE) subject to
8 chapter 76, Hawaii Revised Statutes; and
9 (2) Administration and operating costs of the law
10 enforcement standards board.

11 The sum appropriated shall be expended by the law
12 enforcement standards board.

13 PART III

14 SECTION 8. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun, before the effective date of this Act.

17 SECTION 9. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on March 15, 2019.



Report Title:

Department of the Attorney General; Hawaiian Language; Hawaiian Culture; Shoreline Public Access Rights; Law Enforcement Standards Board; Appropriation

Description:

Appropriates funds for one position within the Department of the Attorney General to provide legal advice regarding the Hawaiian language, Hawaiian culture, and Hawaiian shoreline public access rights. Clarifies membership and certain powers and duties of the Law Enforcement Standards Board (Board). Extends the deadline for the completion of certain Board responsibilities. Appropriates funds for an administrator position, a clerical position, and the administration and operating costs of the Board. Effective 3/15/2094. (SB921 HD1)

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

