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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. Section 139-2, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:  
3           "(a) There is established the law enforcement standards  
4 board within the department of the attorney general for  
5 administrative purposes only. The purpose of the board shall be  
6 to provide programs and standards for training and certification  
7 of law enforcement officers[-], review and recommend policies on  
8 the use of force, and receive and investigate complaints  
9 relating to a law enforcement officer's certification. The law  
10 enforcement standards board shall consist of the following  
11 voting members: nine ex officio individuals, two 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;  
16           (B) Director of public safety;

- 1 (C) Director of transportation or the director's  
2 designee;
- 3 (D) Chairperson of the board of land and natural  
4 resources or chairperson's designee;
- 5 (E) Director of taxation or the director's designee;  
6 and
- 7 (F) Chiefs of police of the four counties;
- 8 (2) The two law enforcement officers shall each have at  
9 least ten years of experience as a law enforcement  
10 officer and shall be appointed by the governor; and
- 11 (3) The four members of the public shall consist of one  
12 member of the public from each of the four counties  
13 and shall be appointed by the governor. At least two  
14 of the four members of the public holding a position  
15 on the board at any given time shall:
- 16 (A) Possess a master's or doctorate degree related to  
17 criminal justice;
- 18 (B) Possess a law degree and have experience:
- 19 (i) Practicing in Hawaii as a deputy attorney  
20 general, a deputy prosecutor, deputy public

- 1                   defender, or private criminal defense
- 2                   attorney; or
- 3                   (ii) Litigating constitutional law issues in
- 4                   Hawaii;
- 5                   (C) Be a recognized expert in the field of criminal
- 6                   justice, policing, or security; or
- 7                   (D) Have work experience in a law enforcement
- 8                   capacity; provided that experience in a county
- 9                   police department shall not itself be sufficient
- 10                  to qualify under this paragraph."

11           SECTION 2. Section 139-3, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13           "~~§~~**§139-3** **Powers and duties of the board.** The board  
 14 shall:

- 15           (1) Adopt rules in accordance with chapter 91 to implement
- 16           this chapter;
- 17           (2) Establish minimum standards for employment as a law
- 18           enforcement officer and to certify persons to be
- 19           qualified as law enforcement officers;
- 20           (3) Establish criteria and standards in which a person who
- 21           has been denied certification, whose certification has

1           been revoked by the board, or whose certification has  
2           lapsed may reapply for certification;

3           (4) Establish minimum criminal justice curriculum  
4           requirements for basic, specialized, and in-service  
5           courses and programs for schools operated by or for  
6           the State or a county for the specific purpose of  
7           training law enforcement officers;

8           (5) Consult and cooperate with the counties, agencies of  
9           the State, other governmental agencies, universities,  
10          colleges, and other institutions concerning the  
11          development of law enforcement officer training  
12          schools and programs of criminal justice instruction;

13          (6) Employ, subject to chapter 76, an administrator and  
14          other persons necessary to carry out its duties under  
15          this chapter;

16          (7) Review and recommend policies regarding the use of  
17          force for departments employing law enforcement  
18          officers;

19          ~~(7)~~ (8) Investigate when there is reason to believe that  
20          a law enforcement officer does not meet the minimum  
21          standards for employment, and in so doing, may:

- 1 (A) Subpoena persons, books, records, or documents;
- 2 (B) Require answers in writing under oath to
- 3 questions asked by the board; and
- 4 (C) Take or cause to be taken depositions as needed
- 5 in investigations, hearings, and other
- 6 proceedings,
- 7 related to the investigation;
- 8 (9) Receive and investigate complaints of actions or
- 9 omissions of a law enforcement officer that may result
- 10 in a denial, suspension, or revocation of the law
- 11 enforcement officer's certification under section 139-
- 12 8;
- 13 [~~8~~] (10) Establish and require participation in continuing
- 14 education programs for law enforcement officers;
- 15 [~~9~~] (11) Have the authority to charge and collect fees for
- 16 applications for certification as a law enforcement
- 17 officer; and
- 18 [~~10~~] (12) Establish procedures and criteria for the
- 19 revocation of certification issued by the board."

20 SECTION 3. Section 139-8, Hawaii Revised Statutes, is

21 amended by amending subsection (a) to read as follows:

1           "(a) The board shall adopt rules, pursuant to chapter 91,  
2 that establish criteria for the denial, suspension, or  
3 revocation of a law enforcement officer's certification,  
4 including upon a finding by the board that the law enforcement  
5 officer:

6           (1) Knowingly falsified or omitted material information on  
7 the law enforcement officer's application for training  
8 or certification to the board;

9           (2) Has been convicted at any time of a felony offense  
10 under the laws of this State or has been convicted of  
11 a federal or out-of-state offense comparable to a  
12 felony under the laws of this State; provided that if  
13 a law enforcement officer was convicted of a felony  
14 before being employed as a law enforcement officer,  
15 and the circumstances of the prior felony conviction  
16 were fully disclosed to the employer of the law  
17 enforcement officer before being hired, the board may  
18 revoke certification only with the agreement of the  
19 employing law enforcement agency;

20           (3) Interfered with an investigation or action for denial  
21 or revocation of certification by:

- 1 (A) Knowingly making a materially false statement to  
2 the board; or
- 3 (B) In any matter under investigation by or otherwise  
4 before the board, tampering with evidence or  
5 tampering with or intimidating any witness; [~~e~~]
- 6 (4) Violated written policy of the department employing  
7 the officer during the time of employment;
- 8 (5) Used force in a manner not justified under section  
9 703-307; or
- 10 [~~+4~~] (6) Has taken other prohibited action as established  
11 by the board, by rule."

12 SECTION 4. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

**Report Title:**

Law Enforcement Standards Board; Complaints; Law Enforcement Officer's Certification; Rules

**Description:**

Requires the law enforcement standards board to review and recommend policies regarding the use of force and receive and investigate complaints of a law enforcement officer's actions or omissions that may result in denial, suspension, or revocation of the officer's certification. Requires the board to adopt rules that establish criteria for denial, suspension, or revocation of a law enforcement officer's certification upon a finding that the officer violated written departmental policy or used unjustified force. (Proposed SD1)

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