

JAN 24 2019

A BILL FOR AN ACT

RELATING TO THE LAW ENFORCEMENT OFFICERS SAFETY ACT.

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

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding to part I a new section to be appropriately designated
3 and to read as follows:

4 "§28- Issuance of credentials pursuant to the Federal
5 Law Enforcement Officers Safety Act, as amended. The attorney
6 general may issue credentials to qualified law enforcement
7 officers, pursuant to the federal Law Enforcement Officers
8 Safety Act of 2004 (Public Law 108-277), codified at 18 U.S.C.
9 section 926C, as amended. The attorney general may adopt,
10 amend, and repeal rules, without regard to the requirements of
11 chapter 91, for the issuance of the credentials."

12 SECTION 2. New statutory material is underscored.

13 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: 

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BY REQUEST

S.B. NO. 1177

Report Title:

The Law Enforcement Officers Safety Act

Description:

Establishes in the Department of the Attorney General a program responsible for issuing credentials to qualified law enforcement officers pursuant to the federal Law Enforcement Officers Safety Act, as amended.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICERS SAFETY ACT.

PURPOSE: To allow the Department of the Attorney General ("department") to issue credentials to qualified retired law enforcement officers to carry concealed firearms pursuant to the federal Law Enforcement Officers Safety Act of 2004 (Public Law 108-277), codified at 18 U.S.C. section 926C, as amended (LEOSA).

MEANS: Add a new section to part I of chapter 28, Hawaii Revised Statutes.

JUSTIFICATION: LEOSA was implemented by the federal government in 2004 to allow qualified active and retired law enforcement officers to carry concealed firearms nationwide. LEOSA outlines detailed criteria that a qualified law enforcement officer must meet to be able to carry a concealed firearm pursuant to the Act. LEOSA was amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Public Law 111-272) and section 1089 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239).

In 2008, the Attorney General set up a LEOSA certification program to comply with the Act and enable the department to issue credentials to retired law enforcement officers in Hawaii. The department was concerned about having a uniform statewide program that is well regulated and operated with public safety as a priority. Under the program, retired officers may be LEOSA certified only if they pass standardized firearms qualification testing. In 2014, the department entered into a memorandum of

understanding with the four county police chiefs to acknowledge and recognize the department's LEOSA certification program. Additionally, in 2014 the department adopted interim LEOSA program guidelines under which it currently operates. But there has been ongoing discussion of statutory implementation of this LEOSA program.

Impact on the public: The bill gives the Attorney General statutory authority to ensure qualified retired law enforcement officers are properly certified to carry concealed firearms safely and pursuant to LEOSA requirements.

Impact on the department and other agencies: This bill clarifies that the Attorney is responsible for issuing credentials to qualified retired law enforcement officers pursuant to LEOSA.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: Upon approval.