



# S.B. NO. 2514

- 1           (1) Preserve the public peace, prevent crime, detect and  
2           arrest offenders against the law, protect the rights  
3           of persons and property, and enforce and prevent  
4           violation of all laws and administrative rules of the  
5           State as the director deems to be necessary or  
6           desirable or upon request, to assist other state  
7           officers or agencies that have primary administrative  
8           responsibility over specific subject matters or  
9           programs;
- 10          (2) Train, equip, maintain, and supervise the force of law  
11          enforcement personnel, and other employees of the  
12          department;
- 13          (3) Serve process both in civil and criminal proceedings;
- 14          (4) Perform other duties as may be required by law;
- 15          (5) Adopt, pursuant to chapter 91, rules that are  
16          necessary or desirable for the administration of law  
17          enforcement programs; and
- 18          (6) Enter into contracts on behalf of the department and  
19          take all actions deemed necessary and appropriate for  
20          the proper and efficient administration of the  
21          department.



1 (b) The director of law enforcement services shall not be  
2 responsible for the formulation and implementation of state  
3 goals and objectives for correctional programs.

4 **§ -3 Appointment of employees with police powers and**  
5 **other employees.** (a) The director of law enforcement services  
6 may appoint employees to be law enforcement services officers  
7 who shall have all of the powers of police officers; provided  
8 that the director may establish and assign the employees to  
9 positions or categories of positions that may have differing  
10 titles, specific duties, and limitations upon the exercise of  
11 police powers.

12 (b) The director may appoint other personnel necessary to  
13 carry out the functions of the department.

14 (c) State law enforcement officers transferred from the  
15 department of the attorney general by Act 211, Session Laws of  
16 Hawaii 1989, to the department of public safety shall be  
17 responsible for public safety in state buildings as well as the  
18 personal protection of government officials and employees while  
19 in the conduct of their duties. The duties of state law  
20 enforcement officers shall also include the service of process,  
21 including subpoenas, warrants, and other legal documents, and



1 other duties as the director may assign, including the  
2 performance of duties of other public safety officers within the  
3 department. State law enforcement officers shall have all of  
4 the powers of police officers, including the power of arrest.

5       **§ -4 Parking fees, exemption.** Notwithstanding any other  
6 law or rule to the contrary, special service deputies of the  
7 department of law enforcement services are exempt from all state  
8 and county parking meter fees and county time parking  
9 restrictions while in the performance of their official duties,  
10 including attendance at court; provided that this exemption  
11 shall:

- 12       (1) Apply exclusively to state-owned law enforcement  
13             vehicles assigned to the department of law enforcement  
14             services; and
- 15       (2) Not apply to private individuals retained by the  
16             department on a contractual basis to serve civil  
17             process in any capacity.

18       **§ -5 Department accreditation required.** The department  
19 shall pursue and obtain accreditation for the sheriff division  
20 from the Commission on Accreditation for Law Enforcement  
21 Agencies, Inc."



1 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended  
2 by adding a new section to part I to be appropriately designated  
3 and to read as follows:

4 "§26- Department of law enforcement services. (a) The  
5 department of law enforcement services shall be headed by a  
6 single executive to be known as the director of law enforcement  
7 services.

8 (b) The department of law enforcement services shall be  
9 responsible for the formulation and implementation of state  
10 policies and objectives for security and law enforcement  
11 programs and functions, for the service of process, and for the  
12 security of state buildings.

13 (c) The department of law enforcement services shall  
14 enforce land use regulations adopted by the board of natural  
15 resources and the department of land and natural resources under  
16 section 183C-3(7) on conservation district lands including the  
17 collection of fines for violations of land use and terms and  
18 conditions of permits issued by the department.

19 (d) The department of law enforcement services shall  
20 enforce all laws under chapter 187A relating to the protecting,



1 taking, killing, propagating, or increasing of aquatic life  
2 within the State and the waters subject to its jurisdiction.

3 (e) The department of law enforcement services shall be  
4 responsible for public safety in state buildings as well as the  
5 personal protection of government officials and employees while  
6 in the conduct of their duties. The duties of state law  
7 enforcement officers shall also include the service of process,  
8 including subpoenas, warrants, and other legal documents, and  
9 other duties as the director may assign, including the  
10 performance of duties of other public safety officers within the  
11 department. State law enforcement officers shall have all of  
12 the powers of police officers, including the power of arrest."

13 SECTION 3. Section 26-4, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§26-4 Structure of government.** Under the supervision of  
16 the governor, all executive and administrative offices,  
17 departments, and instrumentalities of the state government and  
18 their respective functions, powers, and duties shall be  
19 allocated among and within the following principal departments  
20 that are hereby established:



- 1       (1) Department of human resources development (Section
- 2               26-5)
- 3       (2) Department of accounting and general services (Section
- 4               26-6)
- 5       (3) Department of the attorney general (Section 26-7)
- 6       (4) Department of budget and finance (Section 26-8)
- 7       (5) Department of commerce and consumer affairs (Section
- 8               26-9)
- 9       (6) Department of taxation (Section 26-10)
- 10       (7) University of Hawaii (Section 26-11)
- 11       (8) Department of education (Section 26-12)
- 12       (9) Department of health (Section 26-13)
- 13       (10) Department of human services (Section 26-14)
- 14       (11) Department of land and natural resources (Section
- 15               26-15)
- 16       (12) Department of agriculture (Section 26-16)
- 17       (13) Department of Hawaiian home lands (Section 26-17)
- 18       (14) Department of business, economic development, and
- 19               tourism (Section 26-18)
- 20       (15) Department of transportation (Section 26-19)



1 (16) Department of labor and industrial relations (Section  
2 26-20)

3 (17) Department of defense (Section 26-21)

4 (18) Department of public safety (Section 26-14.6) [–]

5 (19) Department of law enforcement services (Section  
6 26-\_\_\_\_\_."

7 SECTION 4. Section 26-14.6, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§26-14.6 Department of public safety. (a) The  
10 department of public safety shall be headed by a single  
11 executive to be known as the director of public safety.

12 (b) The department of public safety shall be responsible  
13 for the formulation and implementation of state policies and  
14 objectives for correctional[~~, security, law enforcement,~~] and  
15 public safety programs and functions[~~,~~] and for the  
16 administration and maintenance of all public or private  
17 correctional facilities and services[~~, for the service of~~  
18 ~~process, and for the security of state buildings~~].

19 (c) Effective July 1, 1990, the Hawaii paroling authority  
20 and the crime victim compensation commission are placed within





1 the department of public safety for administrative purposes  
2 only.

3 (d) Effective July 1, 1990, the functions and authority  
4 heretofore exercised by:

5 (1) The department of corrections relating to adult  
6 corrections and the intake service centers;

7 (2) The judiciary relating to the sheriff's office and  
8 judiciary security personnel; and

9 (3) The department of the attorney general relating to  
10 state law enforcement officers and narcotics  
11 enforcement investigators with the narcotics  
12 enforcement division,

13 shall be transferred to the department of public safety.

14 (e) Effective July 1, 1990, the functions and authority  
15 heretofore exercised by the department of health pursuant to  
16 chapters 329 and 329C, with the exception of sections 329-2,  
17 329-3, and 329-4(3) to (8), shall be transferred to the  
18 department of public safety.

19 (f) Effective July 1, 1990, the functions, authority, and  
20 obligations, together with the limitations imposed thereon and  
21 the privileges and immunities conferred thereby, exercised by a



1 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's  
2 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",  
3 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,  
4 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,  
5 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,  
6 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,  
7 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,  
8 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,  
9 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,  
10 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be  
11 exercised to the same extent by the department of public safety.

12 (g) Effective January 1, 1993, the functions and authority  
13 heretofore exercised by the attorney general and the department  
14 of the attorney general relating to the executive security  
15 officers shall be transferred to the department of public  
16 safety.

17 (h) Effective July 1, 1999, the functions and authority  
18 heretofore exercised by the director of public safety and the  
19 department of public safety relating to after hours security  
20 contracts at department of education facilities, except for the  
21 security functions being performed by employees of the public



1 library system as well as the contractual security services for  
2 the libraries, shall be transferred to the department of  
3 education.

4 (i) Effective January 1, 1993, the functions and authority  
5 heretofore exercised by the director of health and the  
6 department of health relating to uniformed security employees  
7 and security contracts at various state hospitals throughout the  
8 State shall be transferred to the department of public safety.  
9 Effective July 1, 2005, the functions, authority, and employee  
10 positions of the department of public safety relating to  
11 uniformed security employees and security contracts at health  
12 facilities that are under the operation, management, and control  
13 of the Hawaii health systems corporation shall be transferred to  
14 the Hawaii health systems corporation.

15 (j) Effective January 1, 1993, the functions and authority  
16 heretofore exercised by the director of human services and the  
17 department of human services relating to contractual security  
18 guard services shall be transferred to the department of public  
19 safety.

20 (k) Effective July 1, 1994, the functions and authority  
21 heretofore exercised by the adjutant general relating to



1 security for national guard and state emergency management  
2 facilities in the Diamond Head complex, for after work hours,  
3 shall be transferred to the department of public safety.

4 (1) Effective July 1, 2002, the functions and authority  
5 heretofore exercised by the director of public safety and the  
6 department of public safety relating to after hours security  
7 contracts at department of education facilities, including all  
8 security functions being performed by employees of the public  
9 library system, as well as the contractual security services for  
10 the libraries, shall be transferred to the department of  
11 education and the public library system as appropriate.

12 (m) Effective July 1, 2021, the following functions and  
13 authority heretofore exercised by the director of public safety  
14 and the department of public safety under the following  
15 subsections shall be transferred to the department of law  
16 enforcement services:

- 17 (1) Subsection (d)(2) and (3);
- 18 (2) Subsection (e);
- 19 (3) Subsection (f);
- 20 (4) Subsection (g);
- 21 (5) Subsection (j); and



1        (6) Subsection (k)."

2        SECTION 5. Section 26-56, Hawaii Revised Statutes, is  
3 amended by amending subsection (b) to read as follows:

4        "(b) The commission shall review and recommend an  
5 appropriate salary for the governor, lieutenant governor,  
6 members of the legislature, justices and judges of all state  
7 courts, administrative director of the State or an equivalent  
8 position, and department heads or executive officers and the  
9 deputies or assistants to the department heads of the  
10 departments of:

- 11        (1) Accounting and general services;
- 12        (2) Agriculture;
- 13        (3) The attorney general;
- 14        (4) Budget and finance;
- 15        (5) Business, economic development, and tourism;
- 16        (6) Commerce and consumer affairs;
- 17        (7) Defense;
- 18        (8) Hawaiian home lands;
- 19        (9) Health;
- 20        (10) Human resources development;
- 21        (11) Human services;



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- 1       (12) Labor and industrial relations;
- 2       (13) Land and natural resources;
- 3       (14) Law enforcement services;
- 4       [~~(14)~~] (15) Public safety;
- 5       [~~(15)~~] (16) Taxation; and
- 6       [~~(16)~~] (17) Transportation.

7           The commission shall not review the salary of any position  
8 in the department of education or the University of Hawaii.

9           The commission may recommend different salaries for  
10 department heads and executive officers and different salary  
11 ranges for deputies or assistants to department heads; provided  
12 that the commission shall recommend the same salary range for  
13 deputies or assistants to department heads within the same  
14 department; provided further that the appointing official shall  
15 specify the salary for a particular position within the  
16 applicable range.

17           The commission shall not recommend salaries lower than  
18 salary amounts recommended by prior commissions replaced by this  
19 section."

20           SECTION 6. Section 46-12.5, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           " ~~[+]§46-12.5[+]~~ **State beach park lifeguard services.** Each  
2 county may provide lifeguard services for any state beach park  
3 where the number of swimmers using the beach may warrant a  
4 lifeguard, or where water hazards at the beach present a threat  
5 to public safety; provided that the county and the department of  
6 ~~[land and natural resources]~~ law enforcement services shall  
7 first mutually agree that those services are necessary for the  
8 particular beach."

9           SECTION 7. Section 183C-3, Hawaii Revised Statutes, is  
10 amended to read as follows:

11           " ~~[+]§183C-3[+]~~ **Powers and duties of the board and**  
12 **department.** The board and department shall:

- 13           (1) Maintain an accurate inventory of lands classified  
14           within the state conservation district by the state  
15           land use commission, pursuant to chapter 205;
- 16           (2) Identify and appropriately zone those lands classified  
17           within the conservation district;
- 18           (3) Adopt rules, in compliance with chapter 91 which shall  
19           have the force and effect of law;
- 20           (4) Set, charge, and collect reasonable fees in an amount  
21           sufficient to defray the cost of processing



- 1 applications for zoning, use, and subdivision of  
2 conservation lands;
- 3 (5) Establish categories of uses or activities on  
4 conservation lands, including allowable uses or  
5 activities for which no permit shall be required;
- 6 (6) Establish restrictions, requirements, and conditions  
7 consistent with the standards set forth in this  
8 chapter on the use of conservation lands; and
- 9 (7) Establish [~~and enforce~~] land use regulations on  
10 conservation district lands including the collection  
11 of fines for violations of land use and terms and  
12 conditions of permits issued by the department[-];  
13 provided that the department of law enforcement  
14 services shall enforce the land use regulations."

15 SECTION 8. Section 184-5, Hawaii Revised Statutes, is  
16 amended by amending subsection (f) to read as follows:

17 "(f) The department [~~may confer on the director of state~~  
18 ~~parks and upon other employees of the division]~~ of law  
19 enforcement services shall have the powers of police officers,  
20 including the power to serve and execute warrants and arrest, or  
21 issue summons or citations to, offenders in all matters relating





1 to the enforcement, in any state park, parkway, or state  
2 monument, or in any private property over which there has been  
3 granted to the State any right of free public access or use for  
4 recreational, park, viewing of any historical, archaeological,  
5 natural, or scientific feature, object, or site, or related  
6 purpose of:

7 (1) The laws applicable to the state parks and parkways  
8 and to historical objects and sites and the rules  
9 adopted under the provisions of this section; and

10 (2) Traffic laws and ordinances.

11 Those police powers shall also extend to the enforcement of laws  
12 of the State and the rules of the department of land and natural  
13 resources relative to the protection and proper use of the  
14 recreational, scenic, historical, natural, and archaeological,  
15 scientific, and related resources of state and private lands.

16 The [~~conferring of~~] powers of the department of law enforcement  
17 services shall include the designation of [~~these~~] its employees  
18 as state parks enforcement officers."

19 SECTION 9. Section 187A-2, Hawaii Revised Statutes, is  
20 amended to read as follows:



- 1           "§187A-2 Powers and duties of department. The department  
2 shall:
- 3           (1) Manage and administer the aquatic life and aquatic  
4 resources of the State;
- 5           (2) Establish and maintain aquatic life propagating  
6 station or stations;
- 7           (3) Establish, manage, and regulate public fishing areas,  
8 artificial reefs, fish aggregating devices, marine  
9 life conservation districts, shoreline fishery  
10 management areas, refuges, and other areas pursuant to  
11 title 12;
- 12           (4) Subject to this title, import aquatic life for the  
13 purpose of propagating and disseminating the same in  
14 the State and the waters subject to its jurisdiction;
- 15           (5) Distribute, free of charge, as the department deems to  
16 be in the public interest, aquatic life, for the  
17 purpose of increasing the food supply of the State;  
18 provided that when, in the discretion of the  
19 department, the public interest shall not be  
20 materially interfered with by so doing, the department  
21 may propagate and furnish aquatic life to private



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1 parties, upon such reasonable terms, conditions, and  
2 prices determined by the department;

3 (6) Gather and compile information and statistics  
4 concerning the habitat and character of, and increase  
5 and decrease in, aquatic resources in the State,  
6 including the care and propagation of aquatic  
7 resources for protective, productive, and aesthetic  
8 purposes, and other useful information, which the  
9 department deems proper;

10 [~~7~~] ~~Enforce all laws relating to the protecting, taking,~~  
11 ~~killling, propagating, or increasing of aquatic life~~  
12 ~~within the State and the waters subject to its~~  
13 ~~jurisdiction;~~] and

14 [~~8~~] (7) Formulate and from time to time recommend to the  
15 governor and legislature such additional legislation  
16 necessary or desirable to implement the objectives of  
17 title 12."

18 SECTION 10. Section 195D-2, Hawaii Revised Statutes, is  
19 amended as follows:

20 1. By amending the definition of "department" to read:



1        "Department" means department of [~~land and natural~~  
2 ~~resources.~~] law enforcement services."

3        2. By repealing the definition of "board":

4        [~~"Board" means the board of land and natural resources.~~"]

5        SECTION 11. Section 195D-4, Hawaii Revised Statutes, is  
6 amended as follows:

7        1. By amending subsection (g) to read:

8        "(g) After consultation with the endangered species  
9 recovery committee, the [~~board~~] department may issue a temporary  
10 license as a part of a habitat conservation plan to allow a take  
11 otherwise prohibited by subsection (e) if the take is incidental  
12 to, and not the purpose of, the carrying out of an otherwise  
13 lawful activity; provided that:

14        (1) The applicant, to the maximum extent practicable,  
15 shall minimize and mitigate the impacts of the take;

16        (2) The applicant shall guarantee that adequate funding  
17 for the plan will be provided;

18        (3) The applicant shall post a bond, provide an  
19 irrevocable letter of credit, insurance, or surety  
20 bond, or provide other similar financial tools,  
21 including depositing a sum of money in the endangered



1 species trust fund created by section 195D-31, or  
2 provide other means approved by the [~~board,~~  
3 department, adequate to ensure monitoring of the  
4 species by the State and to ensure that the applicant  
5 takes all actions necessary to minimize and mitigate  
6 the impacts of the take;

7 (4) The plan shall increase the likelihood that the  
8 species will survive and recover;

9 (5) The plan takes into consideration the full range of  
10 the species on the island so that cumulative impacts  
11 associated with the take can be adequately assessed;

12 (6) The measures, if any, required under section 195D-  
13 21(b) shall be met, and the department has received  
14 any other assurances that may be required so that the  
15 plan may be implemented;

16 (7) The activity, which is permitted and facilitated by  
17 issuing the license to take a species, does not  
18 involve the use of submerged lands, mining, or  
19 blasting;



1 (8) The cumulative impact of the activity, which is  
2 permitted and facilitated by the license, provides net  
3 environmental benefits; and

4 (9) The take is not likely to cause the loss of genetic  
5 representation of an affected population of any  
6 endangered, threatened, proposed, or candidate plant  
7 species.

8 [~~Board~~] Departmental approval shall require an affirmative vote  
9 of not less than two-thirds of the authorized membership of the  
10 [~~board~~] department after holding a public hearing on the matter  
11 on the affected island. The department shall notify the public  
12 of a proposed license under this section through publication in  
13 the periodic bulletin of the office of environmental quality  
14 control and make the application and proposed license available  
15 for public review and comment for not less than sixty days prior  
16 to approval."

17 2. By amending subsection (i) to read:

18 "(i) The department shall work cooperatively with federal  
19 agencies in concurrently processing habitat conservation plans,  
20 safe harbor agreements, and incidental take licenses pursuant to  
21 the Endangered Species Act. After notice in the periodic



1 bulletin of the office of environmental quality control and a  
2 public hearing on the islands affected, which shall be held  
3 jointly with the federal agency, if feasible, whenever a  
4 landowner seeks both a federal and a state safe harbor  
5 agreement, habitat conservation plan, or incidental take  
6 license, the [~~board,~~] department, by a two-thirds majority vote,  
7 may approve the federal agreement, plan, or license without  
8 requiring a separate state agreement, plan, or license if the  
9 federal agreement, plan, or license satisfies, or is amended to  
10 satisfy, all the criteria of this chapter. All state agencies,  
11 to the extent feasible, shall work cooperatively to process  
12 applications for habitat conservation plans and safe harbor  
13 agreements on a consolidated basis including concurrent  
14 processing of any state land use permit application that may be  
15 required pursuant to chapter 183C or 205, so as to minimize  
16 procedural burdens upon the applicant."

17 SECTION 12. Section 195D-9, Hawaii Revised Statutes, is  
18 amended as follows:

19 1. By amending subsection (b) to read:

20 "(b) In addition to the above penalties, except for  
21 violations under approved habitat conservation plans under



1 section 195D-21 or approved safe harbor agreements under section  
2 195D-22 as determined by the [~~board,~~] department, a fine of  
3 \$5,000 for each specimen of a threatened species and \$10,000 for  
4 each specimen of an endangered species intentionally, knowingly,  
5 or recklessly killed or removed from its original growing  
6 location, shall be levied against the convicted person."

7 2. By amending subsection (d) to read:

8 "(d) Except as otherwise provided by law, the [~~board~~]  
9 department or its authorized representative by proper delegation  
10 is authorized to set, charge, and collect administrative fines  
11 or bring legal action to recover administrative fees and costs  
12 as documented by receipts or affidavit, including attorneys'  
13 fees and costs, or bring legal action to recover administrative  
14 fines, fees, and costs, including attorneys' fees and costs, or  
15 payment for damages or for the cost to correct damages resulting  
16 from a violation of this chapter or any rule adopted thereunder.  
17 The administrative fines shall be as follows:

- 18 (1) For a first violation, a fine of not more than \$2,500;  
19 (2) For a second violation within five years of a previous  
20 violation, a fine of not more than \$5,000; and





1           (3) For a third or subsequent violation within five years  
2           of the last violation, a fine of not more than  
3           \$10,000."

4           SECTION 13. Section 195D-7, Hawaii Revised Statutes, is  
5 amended by amending subsection (a) to read as follows:

6           "(a) Any employee or agent of the department upon whom the  
7 [~~board~~] department has conferred powers of police officers,  
8 including the power to serve and execute warrants and arrest  
9 offenders, or issue citations throughout the State, and any  
10 police officer of the counties of this State shall have the  
11 authority to enforce any of the provisions of this chapter or  
12 any rule adopted under this chapter."

13           SECTION 14. Section 199-1, Hawaii Revised Statutes, is  
14 amended to read as follows:

15           "~~§199-1 [Board of land and natural resources,]~~ Department  
16 of law enforcement services; powers and duties. The [~~board of~~  
17 ~~land and natural resources shall establish within the department~~  
18 ~~of land and natural resources]~~ department of law enforcement  
19 services shall establish a conservation and resources  
20 enforcement program relating to the enforcement of title 12,  
21 chapters 6D, 6E, and 6K, and rules adopted thereunder, and shall



1 employ or appoint, and remove, the following persons, subject to  
2 chapter 76 and section 78-1, who shall be provided with suitable  
3 badges or insignia of office by the department of [~~land and~~  
4 ~~natural resources~~] law enforcement services:

- 5 (1) An enforcement chief of the department of [~~land and~~  
6 ~~natural resources~~], law enforcement services, who  
7 shall be the head of the conservation and resources  
8 enforcement program and shall have charge, direction,  
9 and control, subject to the direction and control of  
10 the board, of all matters relating to the enforcement  
11 of title 12, chapters 6D, 6E, and 6K, and rules  
12 adopted thereunder and such other matters as the  
13 [~~board~~] department may from time to time direct. The  
14 enforcement chief shall be an administrator  
15 experienced in conservation and resources law  
16 enforcement and management; and
- 17 (2) Personnel and enforcement officers of the conservation  
18 and resources enforcement program, including but not  
19 limited to enforcement officers on a voluntary basis  
20 and without pay."



1 SECTION 15. Section 199-1.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 "(e) As used in this section, "department" means the  
4 department of [~~land and natural resources.~~] law enforcement  
5 services."

6 SECTION 16. Section 199-2, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 "~~§199-2 [Board of land and natural resources,]~~ Department  
9 of law enforcement services, delegation of authority. The  
10 [~~board of land and natural resources]~~ department of law  
11 enforcement services may delegate to enforcement officers within  
12 the conservation and resources enforcement program, such  
13 authority as may be required for enforcement of title 12,  
14 chapters 6D, 6E, and 6K, and rules adopted thereunder."

15 SECTION 17. Section 199-3, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17 "(a) The conservation and resources enforcement officers,  
18 with respect to all state lands, including public lands, state  
19 parks, forest reserves, forests, aquatic life and wildlife  
20 areas, Kaho'olawe island reserve, and any other lands and waters  
21 within the State, shall:



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- 1           (1) Enforce title 12, chapters 6D, 6E, and 6K, and rules  
2           adopted thereunder;
- 3           (2) Investigate complaints, gather evidence, conduct  
4           investigations, and conduct field observations and  
5           inspections as required or assigned;
- 6           (3) Cooperate with enforcement authorities of the State,  
7           counties, and federal government in development of  
8           programs and mutual aid agreements for conservation  
9           and resources enforcement activities within the State;
- 10          (4) Cooperate with established search and rescue agencies  
11          of the counties and the federal government in  
12          developing plans and programs and mutual aid  
13          agreements for search and rescue activities within the  
14          State;
- 15          (5) Check and verify all leases, permits, and licenses  
16          issued by the department of land and natural  
17          resources;
- 18          (6) Enforce the laws relating to firearms, ammunition, and  
19          dangerous weapons contained in chapter 134;



1           (7) Enforce the laws in chapter 291E relating to operating  
2           a vessel on or in the waters of the State while using  
3           intoxicants;

4           (8) Whether through a specifically designated marine  
5           patrol or otherwise, enforce the rules in the areas of  
6           boating safety, conservation, and search and rescue  
7           relative to the control and management of boating  
8           facilities owned or controlled by the State, ocean  
9           waters, and navigable streams and any activities  
10          thereon or therein, and beaches encumbered with  
11          easements in favor of the public, and the rules  
12          regulating vessels and their use in the waters of the  
13          State; and

14          (9) Carry out other duties and responsibilities as the  
15          ~~[board of land and natural resources]~~ department of  
16          law enforcement services from time to time may  
17          direct."

18          SECTION 18. Section 199-4, Hawaii Revised Statutes, is  
19          amended by amending the title and subsection (a) to read as  
20          follows:



1           "§199-4 [~~Board of land and natural resources,~~] Department  
2 of law enforcement services, police powers. (a) The [~~board of~~  
3 ~~land and natural resources~~] department of law enforcement  
4 services shall have police powers and may appoint and commission  
5 enforcement officers within the conservation and resources  
6 enforcement program. Persons appointed and commissioned under  
7 this section shall have and may exercise all of the powers and  
8 authority of a police officer, including the power of arrest,  
9 and in addition to enforcing title 12, chapters 6D, 6E, and 6K,  
10 and rules adopted thereunder, may enforce all other state laws  
11 and rules, and county ordinances within all lands and waters of  
12 the State; provided that such powers shall remain in force and  
13 effect only while in actual performance of their duties, which  
14 shall include off-duty employment when such employment is for  
15 other state departments or agencies. These enforcement officers  
16 shall consist of personnel whose primary duty will be the  
17 enforcement of title 12, chapters 6D, 6E, and 6K, and the rules  
18 adopted thereunder within the areas under the jurisdiction of  
19 the department of [~~land and natural resources.~~] law enforcement  
20 services."



1 SECTION 19. Section 199-7, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (a) to read:

4 "(a) Any police officer or agent of the department of  
5 [~~land and natural resources~~] law enforcement services upon whom  
6 the [~~board of land and natural resources~~] department has  
7 conferred powers of police officers, shall have the authority to  
8 conduct searches on probable cause as provided by law and to  
9 seize any equipment, article, instrument, aircraft, vehicle,  
10 vessel, business records, or natural resource used or taken in  
11 violation of the provisions contained in chapters 6D, 6E, and  
12 6K, or title 12, or any rules adopted thereunder. For purposes  
13 of this section, "natural resource" includes any archaeological  
14 artifacts, minerals, any aquatic life or wildlife or parts  
15 thereof, including their eggs, and any land plants or parts  
16 thereof, including seeds."

17 2. By amending subsections (c) and (d) to read:

18 "(c) The department of [~~land and natural resources~~] law  
19 enforcement services shall compile a list of all equipment,  
20 articles, instruments, aircraft, vehicles, vessels, or any



1 natural resource forfeited as provided in this section and shall  
2 publish the list in its annual report.

3 (d) Notwithstanding any other law to the contrary, the  
4 department of [~~land and natural resources~~] law enforcement  
5 services may sell or take actions to cause the sale of any  
6 perishable natural resource that is seized to prevent the waste  
7 of the natural resource and to ensure the economic value of such  
8 natural resource; provided that the department may not sell or  
9 cause the sale of any threatened or endangered species or any  
10 other species whose sale is prohibited by law. The department  
11 of [~~land and natural resources~~] law enforcement services may  
12 require the person or persons who took the natural resources to  
13 sell the seized natural resources at fair market value. The  
14 department of [~~land and natural resources~~] law enforcement  
15 services may require any person purchasing any seized natural  
16 resource to deliver the proceeds of the sale to the department  
17 of [~~land and natural resources~~] law enforcement services or its  
18 authorized representative. Any person who refuses to sell the  
19 seized natural resources at fair market value or any person who  
20 fails to deliver the proceeds of the sale, as directed by the  
21 department of [~~land and natural resources,~~] law enforcement





1 services, shall be in violation of this subsection and  
2 punishable as provided by law. The department of [~~land and~~  
3 ~~natural resources~~] law enforcement services shall deposit and  
4 keep the proceeds of the sale in an interest bearing account  
5 until such time as the suspected violation is settled between  
6 the person or persons who took the natural resource, consignee  
7 or consignees, if any, and the department of [~~land and natural~~  
8 ~~resources~~] law enforcement services. Should a settlement not  
9 be reached, the department of [~~land and natural resources~~] law  
10 enforcement services shall submit the proceeds of the sale to  
11 the environmental court. The proceeds of the sale, after  
12 deducting any reasonable costs of the sale incurred by the  
13 department of [~~land and natural resources~~,] law enforcement  
14 services, shall be subject to any administrative or judicial  
15 proceedings in the same manner as the seized natural resource  
16 would have been, including an action in rem for the forfeiture  
17 of the proceeds. Seizure and sale of a natural resource is  
18 without prejudice to any other remedy or sanction authorized by  
19 law."

20 SECTION 20. Section 199D-1, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:



1           "(a) There is established, within the department of [~~land~~  
2 ~~and natural resources,~~] law enforcement services, a civil  
3 natural resource violations system, whose purpose shall be to  
4 process violations of departmental regulations for which  
5 administrative penalties have been authorized by law or rules  
6 adopted thereunder."

7           SECTION 21. Section 261-17, Hawaii Revised Statutes, is  
8 amended by amending subsection (a) to read as follows:

9           "(a) The director of [~~transportation,~~] law enforcement  
10 services, officers, and employees of the department of  
11 [~~transportation,~~] law enforcement services, and every state and  
12 county officer charged with the enforcement of state laws and  
13 ordinances, shall enforce and assist in the enforcement of this  
14 chapter and of all rules and orders issued pursuant thereto and  
15 of all other laws of the State; and in that connection each of  
16 the persons may inspect and examine at reasonable hours any  
17 premises, and the buildings and other structures thereon, where  
18 airports, air navigation facilities, or other aeronautical  
19 activities are operated or conducted. In aid of the enforcement  
20 of this chapter, the rules and orders issued pursuant thereto,  
21 and all other laws of the State, the powers of police officers



1 are conferred upon the director, and such of the officers,  
2 employees, agents, and representatives of the department as may  
3 be designated by the director to exercise such powers, including  
4 the power to serve and execute warrants and arrest offenders,  
5 and the power to serve notices and orders. For the purposes of  
6 this subsection the term "agents and representatives" includes  
7 persons performing services at airports under contract with the  
8 department."

9 SECTION 22. Section 261-17.6, Hawaii Revised Statutes, is  
10 as follows:

11 1. By amending subsection (a) to read:

12 "(a) The director of law enforcement services may enforce  
13 airport rules pertaining to vehicle parking at airports by  
14 imposing fines not to exceed \$50 per violation or by removing  
15 the vehicle of the offender from the area within the airport's  
16 jurisdiction, or both; provided that a person violating any  
17 provision of part III of chapter 291, or any rule adopted  
18 thereunder, shall be guilty of a traffic infraction under  
19 chapter 291D and shall be fined or otherwise penalized in  
20 accordance with part III of chapter 291."

21 2. By amending subsection (c) to read:



1           "(c) Any vehicle not repossessed within the time limits  
2 provided in subsection (b) after compliance by the department of  
3 law enforcement services with the notice requirements provided  
4 by that subsection, shall be disposed of by public auction,  
5 through oral tenders, or by sealed bids, after public notice has  
6 been given; provided that the public auction shall not be held  
7 less than five days after public notice has been given. Where  
8 no bid is received, the vehicle may be either sold by  
9 negotiation, disposed of or sold as junk, or donated to any  
10 governmental agency; and further provided that the requirements  
11 of public auction may be waived when the appraised value of any  
12 vehicle is less than \$100 as determined by an independent  
13 appraiser who has had at least one year of experience in the  
14 sale or purchase of motor vehicles as a licensed motor vehicle  
15 salesperson. In that event the vehicle, after public notice has  
16 been given, may be disposed of in the same manner as when a  
17 vehicle is put up for public auction and for which no bid is  
18 received."

19           3. By amending subsections (f) and (g) to read:

20           "(f) All proceeds from the sale of vehicles shall be  
21 [~~deposited~~] transferred from the department of law enforcement



1 services to the department of transportation for deposit into  
2 the airport revenue fund. The legal or registered owner is  
3 entitled to recover the excess of the proceeds from the sale  
4 over expenses, if the claim is filed with the department of law  
5 enforcement services within sixty days from the execution of the  
6 sales agreement. The legal owner shall receive priority of  
7 payment to the extent of the legal owner's lien on the vehicle.  
8 The department of law enforcement services may file a claim  
9 within the same period against the legal or registered owner or  
10 person with an unrecorded interest for the deficiencies between  
11 the sale proceeds and expenses.

12 (g) A vehicle shall be deemed a derelict by the director  
13 of law enforcement services under any one of the following  
14 conditions:

- 15 (1) If the certificate of registration of the vehicle has  
16 expired and the registered and legal owner no longer  
17 resides at the address listed on the last certificate  
18 of registration on record with the county director of  
19 finance;
- 20 (2) If the last registered and legal owner of record  
21 disclaims ownership;



1 (3) If essential major parts have been removed so as to  
2 render the vehicle inoperable, and the vehicle  
3 identification numbers, license number plates, and  
4 other means of identification have been removed so as  
5 to nullify efforts to locate or identify the  
6 registered and legal owner; or

7 (4) If the vehicle registration records of the county  
8 director of finance contain no record that the vehicle  
9 has ever been registered in the county."

10 SECTION 23. Section 261-19, Hawaii Revised Statutes, is  
11 amended to read as follows:

12 "**§261-19 Exchange of violations information.** The  
13 department of [~~transportation~~] law enforcement services may  
14 report to the appropriate federal agencies and agencies of the  
15 states and territories of the United States all proceedings  
16 instituted charging violation of section 261-15, 263-9, or  
17 263-11, and all penalties, of which it has knowledge, imposed  
18 upon airmen or the owners or operators of aircraft for  
19 violations of the laws of the State relating to aeronautics or  
20 for violations of the rules, regulations, or orders of the  
21 department[~~-~~] of law enforcement services. The department of



1 law enforcement services may receive reports of penalties and  
2 other data from agencies of the federal government, the states,  
3 and territories of the United States and, when necessary, enter  
4 into agreements with federal agencies and the agencies of such  
5 states and territories governing the delivering, receipt,  
6 exchange, and use of reports and data. The department of law  
7 enforcement services may make the reports and data of the  
8 federal agencies, the agencies of the states and territories,  
9 and the courts of the State available, with or without request  
10 therefor, to any and all courts of the State, and to any officer  
11 of the State or of a municipality authorized pursuant to section  
12 261-17 to enforce the aeronautics law."

13 SECTION 24. Section 266-24, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 "**§266-24 Enforcement.** (a) The director of  
16 [~~transportation~~] law enforcement services shall enforce this  
17 chapter and all rules thereunder[~~, except for the rules relative~~  
18 ~~to the control and management of the beaches encumbered with~~  
19 ~~easements in favor of the public and ocean waters which shall be~~  
20 ~~enforced by the department of land and natural resources]]. For  
21 the purpose of the enforcement of this chapter and of all rules~~



1 adopted pursuant to this chapter, the powers of police officers  
2 are conferred upon the director of [~~transportation~~] law  
3 enforcement services and any officer, employee, or  
4 representative of the department of [~~transportation~~] law  
5 enforcement services. Without limiting the generality of the  
6 foregoing, the director and any person appointed by the director  
7 hereunder may serve and execute warrants, arrest offenders, and  
8 serve notices and orders. The director of [~~transportation~~] law  
9 enforcement services and any employee, agent, or representative  
10 of the department of [~~transportation~~] law enforcement services  
11 appointed as enforcement officers by the director, and every  
12 state and county officer charged with the enforcement of any  
13 law, statute, rule, regulation, ordinance, or order, shall  
14 enforce and assist in the enforcement of this chapter and of all  
15 rules and orders issued pursuant thereto, and in carrying out  
16 the responsibilities hereunder, each shall be specifically  
17 authorized to:

18 (1) Conduct any enforcement action hereunder in any  
19 commercial harbor area and any area over which the  
20 department of [~~transportation~~] law enforcement  
21 services and the director of [~~transportation~~] law





1           enforcement services has jurisdiction under this  
2           chapter;

3           (2) Inspect and examine at reasonable hours any premises,  
4           and the buildings and other structures thereon, where  
5           harbors or harbor facilities are situated, or where  
6           harbor-related activities are operated or conducted;  
7           and

8           (3) Subject to limitations as may be imposed by the  
9           director of [~~transportation,~~] law enforcement  
10          services, serve and execute warrants, arrest  
11          offenders, and serve notices and orders.

12          Any employee appointed as a law enforcement officer by the  
13          director of [~~transportation~~] law enforcement services pursuant  
14          to this section who has been qualified by training may use  
15          electric guns, as specifically provided in section 134-16, when  
16          exercising powers of police officers and carrying out the  
17          responsibilities described herein; provided that training for  
18          the purposes of this section means a course of instruction or  
19          training in the use of any electric gun that is provided,  
20          authorized, or approved by the manufacturer of the electric gun



1 prior to deployment or issuance of electric guns and related  
2 equipment.

3 For purposes of this subsection, the term "agents and  
4 representatives" includes persons performing services at harbors  
5 or harbor areas under contract with the department of  
6 [~~transportation~~] law enforcement services.

7 (b) The department of [~~transportation~~] law enforcement  
8 services, in the name of the State, may enforce this chapter and  
9 the rules and orders issued pursuant thereto by injunction or  
10 other legal process in the courts of the State."

11 SECTION 25. Section 329-51, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§329-51 Powers of enforcement personnel.** Any officer or  
14 employee of the department of [~~public safety~~] law enforcement  
15 services designated by the director of [~~public safety~~] law  
16 enforcement services may:

- 17 (1) Carry firearms in the performance of the officer's or  
18 employee's official duties;
- 19 (2) Execute and serve search warrants, arrest warrants,  
20 administrative inspection warrants, subpoenas, and  
21 summonses issued under the authority of this State;



- 1           (3) Make arrests without warrant for any offense under  
2           this chapter and under part IV of chapter 712  
3           committed in the officer's or employee's presence, or  
4           if the officer or employee has probable cause to  
5           believe that the person to be arrested has committed  
6           or is committing a violation of this chapter or part  
7           IV of chapter 712 which may constitute a felony;
- 8           (4) Make seizures of property pursuant to this chapter; or
- 9           (5) Perform other law enforcement duties as the director  
10          of [~~public safety~~] law enforcement services  
11          designates."

12          SECTION 26. Section 329-54, Hawaii Revised Statutes, is  
13 amended to read as follows:

14          "**§329-54 Cooperative arrangements and confidentiality.**

- 15          (a) The department of [~~public safety~~] law enforcement services  
16 shall cooperate with federal and other state agencies in  
17 discharging its responsibilities concerning traffic in  
18 controlled substances and in suppressing the abuse of controlled  
19 substances. To this end, it may:



- 1           (1) Arrange for the exchange of information among  
2           governmental officials concerning the use and abuse of  
3           controlled substances;
- 4           (2) Coordinate and cooperate in training programs  
5           concerning controlled substance law enforcement at  
6           local and state levels;
- 7           (3) Cooperate with the Bureau by establishing a  
8           centralized unit to accept, catalogue, file, and  
9           collect statistics, including records of drug  
10          dependent persons and other controlled substance law  
11          offenders within the State, and make the information  
12          available for federal, state and local law enforcement  
13          purposes. It shall not furnish the name or identity  
14          of a patient or research subject whose identity could  
15          not be obtained under subsection (c); and
- 16          (4) Conduct programs of eradication aimed at destroying  
17          wild or illicit growth of plant species from which  
18          controlled substances may be extracted.
- 19          (b) Results, information, and evidence received from the  
20 Bureau relating to the regulatory functions of this chapter,  
21 including results of inspections conducted by it may be relied



1 and acted upon by the department of [~~public safety~~] law  
2 enforcement services in the exercise of its regulatory functions  
3 under this chapter.

4 (c) A practitioner engaged in medical research is not  
5 required or compelled to furnish the name or identity of a  
6 research subject to the department of [~~public safety,~~] law  
7 enforcement services, nor may the practitioner be compelled in  
8 any state or local civil, criminal, administrative, legislative,  
9 or other proceedings to furnish the name or identity of any  
10 research subject that the practitioner is obligated to keep  
11 confidential unless the subject violates section 329-41 or  
12 329-46 or commits an offense pursuant to part IV of chapter  
13 712."

14 SECTION 27. Section 329-57, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§329-57 Judicial review.** All final determinations,  
17 findings and conclusions of the department of [~~public safety~~]  
18 law enforcement services under this chapter are final and  
19 conclusive decisions of the matters involved. Any person  
20 aggrieved by the decision may obtain review of the decision  
21 pursuant to chapter 91. Findings of fact by the department of



1 ~~[public safety,]~~ law enforcement services, if supported by  
2 substantial evidence, are conclusive."

3 SECTION 28. Section 329-58, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§329-58 Education and research.** (a) The department of  
6 ~~[public safety]~~ law enforcement services shall carry out  
7 educational programs designed to prevent and determine misuse  
8 and abuse of controlled substances. In connection with these  
9 programs it may:

10 (1) Promote better recognition of the problems of misuse  
11 and abuse of controlled substances within the  
12 regulated industry and among interested groups and  
13 organizations;

14 (2) Assist the regulated industry and interested groups  
15 and organizations in contributing to the reduction of  
16 misuse and abuse of controlled substances;

17 (3) Consult with interested groups and organizations to  
18 aid them in solving administrative and organizational  
19 problems;



1           (4) Evaluate procedures, projects, techniques, and  
2           controls conducted or proposed as part of educational  
3           programs on misuse and abuse of controlled substances;

4           (5) Disseminate the result of research on misuse and abuse  
5           of controlled substances to promote a better public  
6           understanding of what problems exist and what can be  
7           done to combat them;

8           (6) Assist in the education and training of state and  
9           local law enforcement officials in their efforts to  
10          control misuse and abuse of controlled substances.

11          (b) The department of [~~public safety~~] law enforcement  
12 services may authorize persons engaged in research on the use  
13 and effects of controlled substances to withhold the names and  
14 other identifying characteristics of individuals who are the  
15 subjects of the research. Persons who obtain this authorization  
16 are not compelled in any civil, criminal, administrative,  
17 legislative, or other proceeding to identify the individuals who  
18 are subjects of research for which the authorization was  
19 obtained.

20          (c) The department of [~~public safety~~] law enforcement  
21 services may authorize the possession and distribution of



1 controlled substances by persons engaged in research. Persons  
2 who obtain this authorization are exempt from state prosecution  
3 for possession and distribution of controlled substances to the  
4 extent of the authorization."

5 SECTION 29. Section 353C-2, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "[+] (a) [+] The director of public safety shall administer  
8 the public safety programs of the department of public safety  
9 and shall be responsible for the formulation and implementation  
10 of state goals and objectives for correctional [~~and law~~  
11 ~~enforcement~~] programs, including ensuring that correctional  
12 facilities and correctional services meet the present and future  
13 needs of persons committed to the correctional facilities. In  
14 the administration of these programs, the director may:

15 (1) Preserve the public peace, [~~prevent crime, detect and~~  
16 ~~arrest offenders against the law,~~] protect the rights  
17 of persons and property, and [~~enforce and prevent~~  
18 ~~violation of all laws and administrative rules of the~~  
19 ~~State as the director deems to be necessary or~~  
20 ~~desirable or upon request, to~~] assist other state  
21 officers or agencies that have primary administrative





1 responsibility over specific subject matters or  
 2 programs;

3 (2) Train, equip, maintain, and supervise the force of  
 4 public safety officers~~[, including law enforcement and~~  
 5 ~~correctional personnel,]~~ and other employees of the  
 6 department;

7 ~~[(3) Serve process both in civil and criminal proceedings;~~  
 8 ~~(4)]~~ (3) Perform other duties as may be required by law;

9 ~~[(5)]~~ (4) Adopt, pursuant to chapter 91, rules that are  
 10 necessary or desirable for the administration of  
 11 public safety programs; and

12 ~~[(6)]~~ (5) Enter into contracts in behalf of the department  
 13 and take all actions deemed necessary and appropriate  
 14 for the proper and efficient administration of the  
 15 department."

16 SECTION 30. Section 353C-3, Hawaii Revised Statutes, is  
 17 amended to read as follows:

18 "[~~§~~§353C-3~~]~~ **Deputy directors; appointment.** The  
 19 director shall appoint, without regard to chapter 76, [~~three~~]  
 20 two deputy directors to serve at the director's pleasure.  
 21 Unless otherwise assigned by the director, one deputy director



1 shall oversee the correctional programs and facilities of the  
2 department [~~, one deputy director shall oversee the law~~  
3 ~~enforcement programs of the department,~~] and one deputy director  
4 shall oversee administration of the department."

5 SECTION 31. Section 353C-4, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§353C-4 Appointment of [employees with police powers and**  
8 **other] employees.** [~~(a) The director may appoint employees to~~  
9 ~~be public safety officers who shall have all of the powers of~~  
10 ~~police officers, provided that the director may establish and~~  
11 ~~assign the employees to positions or categories of positions~~  
12 ~~that may have differing titles, specific duties, and limitations~~  
13 ~~upon the exercise of police powers.~~

14 ~~(b)]~~ The director may appoint [other] personnel necessary  
15 to carry out the functions of the department.

16 [~~(c) The state law enforcement officers transferred from~~  
17 ~~the department of the attorney general by Act 211, Session Laws~~  
18 ~~of Hawaii 1989, shall be responsible for public safety in state~~  
19 ~~buildings as well as the personal protection of government~~  
20 ~~officials and employees while in the conduct of their duties.~~  
21 ~~The duties of state law enforcement officers shall also include~~



1 ~~the service of process, including subpoenas, warrants, and other~~  
2 ~~legal documents, and other duties as the director may assign,~~  
3 ~~including the performance of duties of other public safety~~  
4 ~~officers within the department. State law enforcement officers~~  
5 ~~shall have all of the powers of police officers, including the~~  
6 ~~power of arrest.]"~~

7 SECTION 32. Section 353C-6, Hawaii Revised Statutes, is  
8 repealed.

9 [~~"§353C-6~~ **Parking fees, exemption.** ~~Notwithstanding any~~  
10 ~~other law, rule, or provision to the contrary, special service~~  
11 ~~deputies of the department of public safety are exempt from all~~  
12 ~~state and county parking meter fees and county time parking~~  
13 ~~restrictions while in the performance of their official duties,~~  
14 ~~including attendance at court, provided that this exemption~~  
15 ~~shall:~~

- 16 (1) ~~Apply exclusively to state owned law enforcement~~  
17 ~~vehicles assigned to the department of public safety,~~  
18 ~~and~~  
19 (2) ~~Not apply to private individuals retained by the~~  
20 ~~department on a contractual basis to serve civil~~  
21 ~~process in any capacity." ]~~



1 SECTION 33. Section 353C-9, Hawaii Revised Statutes, is  
2 repealed.

3 [~~"§353C-9 Department accreditation required. The~~  
4 ~~department shall pursue and obtain accreditation for the sheriff~~  
5 ~~division from the Commission on Accreditation for Law~~  
6 ~~Enforcement Agencies, Inc."~~]

7 SECTION 34. All rights, powers, functions, and duties of  
8 the department of land and natural resources, department of  
9 public safety, and department of transportation relating to law  
10 enforcement services are transferred to the department of law  
11 enforcement services.

12 All officers and employees whose functions are transferred  
13 by this Act shall be transferred with their functions and shall  
14 continue to perform their regular duties upon their transfer,  
15 subject to the state personnel laws and this Act.

16 No officer or employee of the State having tenure shall  
17 suffer any loss of salary, seniority, prior service credit,  
18 vacation, sick leave, or other employee benefit or privilege as  
19 a consequence of this Act, and such officer or employee may be  
20 transferred or appointed to a civil service position without the  
21 necessity of examination; provided that the officer or employee



1 possesses the minimum qualifications for the position to which  
2 transferred or appointed; and provided that subsequent changes  
3 in status may be made pursuant to applicable civil service and  
4 compensation laws.

5 An officer or employee of the State who does not have  
6 tenure and who may be transferred or appointed to a civil  
7 service position as a consequence of this Act shall become a  
8 civil service employee without the loss of salary, seniority,  
9 prior service credit, vacation, sick leave, or other employee  
10 benefits or privileges and without the necessity of examination;  
11 provided that such officer or employee possesses the minimum  
12 qualifications for the position to which transferred or  
13 appointed.

14 If an office or position held by an officer or employee  
15 having tenure is abolished, the officer or employee shall not  
16 thereby be separated from public employment, but shall remain in  
17 the employment of the State with the same pay and classification  
18 and shall be transferred to some other office or position for  
19 which the officer or employee is eligible under the personnel  
20 laws of the State as determined by the head of the department or  
21 the governor.



1           SECTION 35. All rules, policies, procedures, guidelines,  
2 and other material adopted or developed by the department of  
3 land and natural resources, department of public safety, and  
4 department of transportation to implement provisions of the  
5 Hawaii Revised Statutes that are reenacted or made applicable to  
6 the department of law enforcement services by this Act, shall  
7 remain in full force and effect until amended or repealed by the  
8 department of law enforcement services pursuant to chapter 91,  
9 Hawaii Revised Statutes. In the interim, every reference to the  
10 department of land and natural resources, department of public  
11 safety, and department of transportation or board of land and  
12 natural resources, director of public safety, or director of  
13 transportation in those rules, policies, procedures, guidelines,  
14 and other material is amended to refer to the department of law  
15 enforcement services or director of law enforcement services as  
16 appropriate.

17           SECTION 36. All deeds, leases, contracts, loans,  
18 agreements, permits, or other documents executed or entered into  
19 by or on behalf of the department of land and natural resources,  
20 department of public safety, and the department of  
21 transportation pursuant to the provisions of the Hawaii Revised



1 Statutes that are reenacted or made applicable to the department  
2 of law enforcement services by this Act shall remain in full  
3 force and effect. Upon the effective date of this Act, every  
4 reference to the department of land and natural resources,  
5 department of public safety, and department of transportation or  
6 the board of land and natural resources, director of public  
7 safety, and director of transportation therein shall be  
8 construed as a reference to the department of law enforcement  
9 services as appropriate.

10 SECTION 37. All appropriations, records, equipment,  
11 machines, files, supplies, contracts, books, papers, documents,  
12 maps, and other personal property heretofore made, used,  
13 acquired, or held by the department of land and natural  
14 resources, department of public safety, and the department of  
15 transportation relating to the functions transferred to the  
16 department of law enforcement services shall be transferred with  
17 the functions to which they relate.

18 SECTION 38. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



1 SECTION 39. This Act shall take effect on July 1, 2021.

2

INTRODUCED BY: Clarena Fishman

  
  
Randy L. Baker  






# S.B. NO. 2514

**Report Title:**

PSD; DLNR; DOT; Law Enforcement Services

**Description:**

Establishes a Department of Law Enforcement Services to consolidate the law enforcement functions, including security and service of process duties, of the Department of Land and Natural Resources, Department of Public Safety, and Department of Transportation.

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

