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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT STANDARDS BOARD.

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

1           SECTION 1. The legislature, by Act 220, Session Laws of  
2 Hawaii 2018, enacted chapter 139, Hawaii Revised Statutes, to  
3 create a law enforcement standards board for the certification  
4 of law enforcement officers, including county police officers,  
5 state public safety officers, and employees with police powers  
6 at the department of transportation, department of land and  
7 natural resources, department of the attorney general, and  
8 department of taxation.

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



1 officer training schools and programs. The board is also  
2 responsible for regulating and enforcing the certification  
3 requirements of law enforcement officers.

4       These are important and substantial duties that require  
5 evaluation to ensure that existing legal obligations are not  
6 compromised. Before imposing new standards impacting the  
7 employment of law enforcement officers, the board must consider  
8 collective bargaining and other employment requirements. At a  
9 minimum, the board must evaluate how probationary periods,  
10 training requirements (i.e., the types of training, the number  
11 of hours of training, and the availability of training  
12 facilities), and the issuance, suspension, and revocation of  
13 certification will impact obligations already established by  
14 law.

15       Such evaluation should include consideration of the study  
16 conducted by the legislative reference bureau pursuant to Act  
17 124, Session Laws of Hawaii 2018, and any additional study  
18 necessary to determine the impact of uniform standards,  
19 certification, and training for all law enforcement. The board  
20 has determined that it will need significantly more time and  
21 funds to accomplish its mission.



- 1 The purpose of this Act is to:
- 2 (1) Clarify board membership requirements to facilitate  
3 participation and representation;
- 4 (2) Enable the board to research the impact of uniform  
5 standards, certification, and training on existing  
6 legal requirements;
- 7 (3) Establish new deadlines for the completion of the  
8 board's significant responsibilities; and
- 9 (4) Appropriate funds to enable the board to accomplish  
10 its mission.

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

13 "(a) There is established the law enforcement standards  
14 board within the department of the attorney general for  
15 administrative purposes only. The purpose of the board shall be  
16 to provide programs and standards for training and certification  
17 of law enforcement officers. The law enforcement standards  
18 board shall consist of the following voting members: nine ex  
19 officio individuals [~~seven~~] or their designees, five law  
20 enforcement officers, and four members of the public.



- 1           (1) The nine ex officio members of the board shall consist  
2           of the:
- 3           (A) Attorney general [↗] or the attorney general's  
4           designee;
- 5           (B) Director of public safety [↗] or the director's  
6           designee;
- 7           (C) Director of transportation or the director's  
8           designee;
- 9           (D) Chairperson of the board of land and natural  
10          resources or chairperson's designee;
- 11          (E) Director of taxation or the director's designee;  
12          and
- 13          (F) Chiefs of police of the four counties [↗] or the  
14          designee of each of the chiefs of police;
- 15          (2) The [~~two~~] five law enforcement officers shall be from  
16          each of the four counties and one from the State,  
17          shall each have at least ten years of experience as a  
18          law enforcement officer [~~and~~], shall be appointed by  
19          the governor [↗] and, notwithstanding section 26-34,  
20          shall not be subject to senatorial confirmation; and



- 1           (3) The four members of the public shall consist of one  
2           member of the public from each of the four counties  
3           and shall be appointed by the governor[-] and,  
4           notwithstanding section 26-34, shall not be subject to  
5           senatorial confirmation. At least two of the four  
6           members of the public holding a position on the board  
7           at any given time shall:
- 8           (A) Possess a master's or doctorate degree related to
  - 9           criminal justice;
  - 10          (B) Possess a law degree and have experience:
    - 11           (i) Practicing in Hawaii as a deputy attorney
    - 12           general, a deputy prosecutor, a deputy
    - 13           public defender, or a private criminal
    - 14           defense attorney; or
    - 15           (ii) Litigating constitutional law issues in
    - 16           Hawaii;
  - 17          (C) Be a recognized expert in the field of criminal
  - 18          justice, policing, or security; or
  - 19          (D) Have work experience in a law enforcement
  - 20          capacity[; ~~provided that experience in a county~~



1                   ~~police department shall not itself be sufficient~~  
2                   ~~to qualify under this paragraph].~~

3           (b) The law enforcement officers and the members of the  
4 public on the board shall serve for a term of [~~three~~] four  
5 years, provided that the initial terms shall be staggered, as  
6 determined by the governor."

7           SECTION 3. Section 139-3, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "~~{}~~§139-3~~{}~~ Powers and duties of the board. The board  
10 shall:

- 11           (1) Adopt rules in accordance with chapter 91 to implement
- 12                   this chapter;
- 13           (2) Establish minimum standards for employment as a law
- 14                   enforcement officer and to certify persons to be
- 15                   qualified as law enforcement officers;
- 16           (3) Establish criteria and standards in which a person who
- 17                   has been denied certification, whose certification has
- 18                   been revoked by the board, or whose certification has
- 19                   lapsed may reapply for certification;
- 20           (4) Establish minimum criminal justice curriculum
- 21                   requirements for basic, specialized, and in-service



1 courses and programs for schools operated by or for  
2 the State or a county for the specific purpose of  
3 training law enforcement officers;

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

9 (6) Employ, subject to chapter 76, an administrator and  
10 other persons necessary to carry out its duties under  
11 this chapter;

12 (7) Investigate when there is reason to believe that a law  
13 enforcement officer does not meet the minimum  
14 standards for employment, and in so doing, may:

15 (A) Subpoena persons, books, records, or documents;  
16 (B) Require answers in writing under oath to  
17 questions asked by the board; and  
18 (C) Take or cause to be taken depositions as needed  
19 in investigations, hearings, and other  
20 proceedings,  
21 related to the investigation;



- 1 (8) Establish and require participation in continuing
- 2 education programs for law enforcement officers;
- 3 (9) Have the authority to charge and collect fees for
- 4 applications for certification as a law enforcement
- 5 officer; [and]
- 6 (10) Establish procedures and criteria for the revocation
- 7 of certification issued by the board[-];
- 8 (11) Consider studies relevant to the board's objectives,
- 9 including but not limited to the study that examines
- 10 consolidating the law enforcement activities and
- 11 responsibilities of various state divisions and
- 12 agencies under a single, centralized state enforcement
- 13 division or agency, conducted pursuant to Act 124,
- 14 Session Laws of Hawaii 2018; and
- 15 (12) Conduct its own study to evaluate how to efficiently
- 16 and effectively satisfy its duties in accordance with
- 17 the law."

18 SECTION 4. Act 220, Session Laws of Hawaii 2018, is  
 19 amended by amending section 6 to read as follows:

20 "SECTION 6. This Act shall take effect on July 1, 2018;  
 21 provided that [~~the law enforcement standards board established~~





1 ~~under this Act shall finalize its standards and certification~~  
2 ~~process by July 1, 2019.]~~ sections -6 and -7 of the new  
3 chapter in section 2 of this Act shall take effect on July 1,  
4 2023."

5 SECTION 5. There is appropriated out of the general  
6 revenues of the State of Hawaii the sum of \$483,000 or so much  
7 thereof as may be necessary for fiscal year 2020-2021 for  
8 deposit into the law enforcement standards board special fund.

9 SECTION 6. There is appropriated out of the law  
10 enforcement standards board special fund the sum of \$483,000 or  
11 so much thereof as may be necessary for the fiscal year 2020-  
12 2021 for:

- 13 (1) One permanent administrator position (1.0 FTE) subject  
14 to chapter 76, Hawaii Revised Statutes, and one  
15 permanent clerical position (1.0 FTE) subject to  
16 chapter 76, Hawaii Revised Statutes; and  
17 (2) Administration, travel, and operating costs of the law  
18 enforcement standards board.

19 The sum appropriated shall be expended by the law  
20 enforcement standards board.



1           SECTION 7. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before the effective date of this Act.

4           SECTION 8. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 9. This Act shall take effect on July 1, 2020.



**Report Title:**

Law Enforcement Standards Board; Appropriation

**Description:**

Clarifies membership and certain powers and duties of the Law Enforcement Standards Board. Establishes new deadlines for the completion of board responsibilities. Appropriates funds to enable the board to accomplish its mission. (SD1)

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

