
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 (including the types of training, the
11 number 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[~~, two~~] 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 designees of each of the chiefs of police;

15 (2) The [~~two~~] five law enforcement officers shall [~~each~~]
16 be persons other than the chiefs of police or
17 designees described in paragraph (1)(F) and shall
18 consist of:

19 (A) Four county law enforcement officers, one from
20 each of the four counties; and

21 (B) One state law enforcement officer.



1 Each law enforcement officer described in this
2 paragraph shall have at least ten years of experience
3 as a law enforcement officer [~~and~~], shall be appointed
4 by the governor[+] and, notwithstanding section 26-34,
5 shall serve without the advice and consent of the
6 senate; and

7 (3) The four members of the public shall consist of one
8 member of the public from each of the four counties
9 and shall be appointed by the governor[+] and,
10 notwithstanding section 26-34, shall serve without the
11 advice and consent of the senate. At least two of the
12 four members of the public holding a position on the
13 board at any given time shall:

14 (A) Possess a master's or doctorate degree related to
15 criminal justice;

16 (B) Possess a law degree and have experience:

17 (i) Practicing in Hawaii as a deputy attorney
18 general, a deputy prosecutor, a deputy
19 public defender, or a private criminal
20 defense attorney; or



1 (ii) Litigating constitutional law issues in
2 Hawaii;

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

5 (D) Have work experience in a law enforcement
6 capacity[~~-, provided that experience in a county~~
7 ~~police department shall not itself be sufficient~~
8 ~~to qualify under this paragraph].~~

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

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

15 "~~[§]§139-3[§]~~ **Powers and duties of the board.** The board
16 shall:

17 (1) Adopt rules in accordance with chapter 91 to implement
18 this chapter;

19 (2) Establish minimum standards for employment as a law
20 enforcement officer and to certify persons to be
21 qualified as law enforcement officers;



- 1 (3) Establish criteria and standards in which a person who
- 2 has been denied certification, whose certification has
- 3 been revoked by the board, or whose certification has
- 4 lapsed may reapply for certification;
- 5 (4) Establish minimum criminal justice curriculum
- 6 requirements for basic, specialized, and in-service
- 7 courses and programs for schools operated by or for
- 8 the State or a county for the specific purpose of
- 9 training law enforcement officers;
- 10 (5) Consult and cooperate with the counties, agencies of
- 11 the State, other governmental agencies, universities,
- 12 colleges, and other institutions concerning the
- 13 development of law enforcement officer training
- 14 schools and programs of criminal justice instruction;
- 15 (6) Employ, subject to chapter 76, an administrator and
- 16 other persons necessary to carry out its duties under
- 17 this chapter;
- 18 (7) Investigate when there is reason to believe that a law
- 19 enforcement officer does not meet the minimum
- 20 standards for employment, and in so doing, may:
- 21 (A) Subpoena persons, books, records, or documents;



- 1 (B) Require answers in writing under oath to
- 2 questions asked by the board; and
- 3 (C) Take or cause to be taken depositions as needed
- 4 in investigations, hearings, and other
- 5 proceedings,
- 6 related to the investigation;
- 7 (8) Establish and require participation in continuing
- 8 education programs for law enforcement officers;
- 9 (9) Have the authority to charge and collect fees for
- 10 applications for certification as a law enforcement
- 11 officer; [~~and~~]
- 12 (10) Establish procedures and criteria for the revocation
- 13 of certification issued by the board[-];
- 14 (11) Consider studies relevant to the board's objectives,
- 15 including the study that examines consolidating the
- 16 law enforcement activities and responsibilities of
- 17 various state divisions and agencies under a single,
- 18 centralized state enforcement division or agency,
- 19 conducted pursuant to Act 124, Session Laws of Hawaii
- 20 2018; and



1 (12) Conduct its own study to evaluate how to efficiently
2 and effectively satisfy its duties in accordance with
3 the law."

4 SECTION 4. Section 139-6, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) No person may be appointed as a law enforcement
7 officer after June 30, 2023, unless the person:

8 (1) Has satisfactorily completed a basic program of law
9 enforcement training approved by the board; and

10 (2) Possesses other qualifications as prescribed by the
11 board for the employment of law enforcement officers,
12 including minimum age, education, physical and mental
13 standards, citizenship, good conduct, moral character,
14 and experience.

15 (b) [~~The~~] Beginning on July 1, 2023, the board shall issue
16 a certification to an applicant who meets the requirements of
17 subsection (a) or who has satisfactorily completed a program or
18 course of instruction in another jurisdiction that the board
19 deems to be equivalent in content and quality to the
20 requirements of subsection (a)."



1 SECTION 5. Section 139-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§139-7[+] **Employment of law enforcement officers.** (a)

4 No person shall be appointed or employed as a law enforcement
5 officer by any county police department, the department of
6 public safety, the department of transportation, the department
7 of land and natural resources, the department of taxation, or
8 the department of the attorney general, after June 30, 2023,
9 unless the person possesses a valid certification issued by the
10 board pursuant to section 139-6(b).

11 (b) This section shall not apply to a person [~~employed~~]:

12 (1) Employed on a probationary basis, except that
13 employment on a probationary basis may not exceed the
14 period authorized for probationary employment as
15 determined by the board[~~-~~]; or

16 (2) If the person entered into employment with the
17 applicable county police department or state
18 department before July 1, 2023, and termination of
19 employment would violate any valid collective
20 bargaining agreement."



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

3 "SECTION 6. This Act shall take effect on July 1, 2018[+
4 ~~provided that the law enforcement standards board established~~
5 ~~under this Act shall finalize its standards and certification~~
6 ~~process by July 1, 2019]."~~

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

11 SECTION 8. There is appropriated out of the law
12 enforcement standards board special fund the sum of \$ or
13 so much thereof as may be necessary for the fiscal year
14 2020-2021 for:

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



1 The sum appropriated shall be expended by the law
2 enforcement standards board.

3 SECTION 9. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before the effective date of this Act.

6 SECTION 10. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 11. This Act shall take effect on July 1, 2050.



Report Title:

Law Enforcement Standards Board; Appropriation

Description:

Clarifies membership and certain powers and duties of the Law Enforcement Standards Board. Establishes deadlines for the completion of board responsibilities. Appropriates funds to enable the board to accomplish its mission. Effective 7/1/2050.
(SD2)

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