
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 PART I

2 SECTION 1. The legislature finds that public trust in law
3 enforcement is critical to ensuring justice for all under the
4 law. The legislature further finds that the difficult and often
5 dangerous job of law enforcement is safer, easier, and more
6 effectively executed when citizens trust those empowered to
7 serve and protect them.

8 The purpose of this Act is to enhance the public's trust in
9 law enforcement and standardize best practices between the
10 counties by:

11 (1) Amending provisions pertaining to the law enforcement
12 officer independent review board to:

13 (A) Require members to serve four-year terms; and

14 (B) Make the board permanent; and

15 (2) Amending the membership and powers of the law
16 enforcement standards board and extending certain
17 members' terms to four years.



PART II

SECTION 2. Section 28-152, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) The members of the board shall serve without compensation for ~~[terms specified by the appointing authority,~~ a term of four years, but shall be reimbursed for expenses, including travel expenses, incurred in the performance of their duties."

SECTION 3. Act 161, Session Laws of Hawaii 2016, is amended by amending section 7 to read as follows:

"SECTION 7. This Act shall take effect on July 1, 2017; provided that:

(1) Section 4 of this Act shall take effect on July 1, 2016; and

(2) The sum appropriated by section 4 of this Act shall serve as the source of funding for the establishment of the law enforcement officer independent review board and expenses arising in connection with the board[; ~~and~~

~~(3) This Act shall be repealed on June 30, 2022, and section 712A-16, Hawaii Revised Statutes, shall be~~



reenacted in the form in which it read on June 30,
2017]."

PART III

SECTION 4. Section 139-2, Hawaii Revised Statutes, is
amended to read as follows:

"[~~§~~§139-2] **Law enforcement standards board;**

establishment. (a) There is established the law enforcement
standards board within the department of the attorney general
for administrative purposes only. The purpose of the board
shall be to provide programs and standards for training and
certification of law enforcement officers. The law enforcement
standards board shall consist of the following voting members:
nine ex officio individuals[~~, two law enforcement officers,~~] and
[~~four~~] five members of the public.

(1) The nine ex officio members of the board shall consist
of the:

(A) Attorney general[+] or the attorney general's
designee;

(B) Director of public safety[+] or the director's
designee;



(C) Director of transportation or the director's designee;

(D) Chairperson of the board of land and natural resources or the chairperson's designee;

(E) Director of taxation or the director's designee; and

(F) Chiefs of police of the four counties~~[+]~~ or the designees of each of the chiefs of police; and

~~[(2) The two law enforcement officers shall each have at least ten years of experience as a law enforcement officer and shall be appointed by the governor; and~~

~~+(3)]~~ (2) The ~~[four]~~ five members of the public shall consist of one member of the public each from ~~[each of the four counties and]~~ the counties of Hawaii, Maui, and Kauai and two members of the public from the city and county of Honolulu, each of whom shall be appointed by the governor[. At least two of the four], and, notwithstanding section 26-34, shall serve without the advice and consent of the senate. The five members of the public holding a position on the board at any given time shall:



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

(B) Possess a law degree and have experience:

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

(ii) Litigating constitutional law issues in Hawaii;

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

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

(b) The [~~law enforcement officers and the~~] members of the public on the board shall serve for a term of [~~three~~] four years[~~7~~]; provided that the initial terms shall be staggered, as determined by the governor.

(c) The [~~law enforcement officers and the~~] members of the public on the board shall receive no salary for their duties as



1 members of the board, but shall be entitled to reimbursement for
2 expenses, including travel expenses, necessary for the
3 performance of their duties as board members."

4 SECTION 5. Section 139-3, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§139-3 Powers and duties of the board.** The board shall:

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



- 1 (5) Consult and cooperate with the counties, agencies of
2 the State, other governmental agencies, universities,
3 colleges, and other institutions concerning the
4 development of law enforcement officer training
5 schools and programs of criminal justice instruction;
- 6 (6) Employ~~[, subject to chapter 76,]~~ an administrator,
7 without regard to chapter 76, and other persons
8 necessary to carry out its duties under this chapter;
- 9 (7) Investigate when there is reason to believe that a law
10 enforcement officer does not meet the minimum
11 standards for employment, and in so doing, may:
- 12 (A) Subpoena persons, books, records, or documents;
13 (B) Require answers in writing under oath to
14 questions asked by the board; and
15 (C) Take or cause to be taken depositions as needed
16 in investigations, hearings, and other
17 proceedings,
18 related to the investigation;
- 19 (8) Establish and require participation in continuing
20 education programs for law enforcement officers;



- (9) Have the authority to charge and collect fees for applications for certification as a law enforcement officer;
- (10) Establish procedures and criteria for the revocation of certification issued by the board;
- (11) Have the authority to revoke certifications; ~~[and]~~
- (12) Review and recommend statewide policies and procedures relating to law enforcement, including the use of force~~[+]~~;
- (13) Consider studies relevant to the board's objectives, including but not limited to the study that examines consolidating the law enforcement activities and responsibilities of various state divisions and agencies under a single, centralized state enforcement division or agency, conducted pursuant to Act 124, Session Laws of Hawaii 2018; and
- (14) Conduct its own study to evaluate how to efficiently and effectively satisfy its duties in accordance with the law."

PART IV



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect on July 1, 2050;
4 provided that section 3 of this Act shall take effect on
5 June 29, 2022.

6



Report Title:

Law Enforcement Officers; Independent Review Board; Standards Board

Description:

Amends the term for members of the law enforcement officer independent review board to four years. Makes the law enforcement officer independent review board permanent. Amends the membership of the law enforcement standards board and the term for certain members to four years. Effective 7/1/2050.
(HD2)

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