
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

PART I

SECTION 1. The purpose of this Act is to:

- (1) Establish a new department of law enforcement to consolidate and administer the criminal law enforcement and investigations functions of the department of transportation, certain investigations functions of the department of the attorney general, functions of the office of homeland security, and current law enforcement and investigations functions of the department of public safety;
- (2) Rename the department of public safety as the department of corrections and rehabilitation, which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to the department of public safety;
- (3) Establish a training center within the department of law enforcement;



1 (4) Transfer employees, appropriations, records,
2 equipment, leases, contracts, other documents, rules,
3 policies, procedures, guidelines, and other material,
4 as appropriate, to the respective departments; and

5 (5) Establish positions for the department of law
6 enforcement and the department of corrections and
7 rehabilitation, and appropriate funds for the
8 department of law enforcement.

9 Currently, corrections and certain law enforcement
10 functions and activities are placed within the department of
11 public safety. The legislature finds that the goals and
12 functions of corrections and law enforcement are different and
13 distinct and separating the functions of corrections and law
14 enforcement from the department of public safety into two
15 departments would best accomplish the discrete goals and
16 objectives of both functions.

17 The legislature further finds that state law enforcement
18 personnel and functions are currently spread across various
19 departments. The department of public safety, department of
20 transportation, and department of the attorney general all have
21 independent law enforcement officers and different law



1 enforcement duties. Because each department administers its own
2 law enforcement duties, goals, and functions, training and
3 operational standards differ between each department.
4 Accordingly, the reorganization of certain state law enforcement
5 functions into a single entity would provide the highest level
6 of law enforcement service for the public, state employees, and
7 state properties. Consolidation of state law enforcement
8 responsibilities into a single state department will centralize
9 state law enforcement functions to increase public safety,
10 improve decision making, promote accountability, streamline
11 communication, decrease costs, reduce duplication of efforts,
12 and provide uniform training and standards.

13 The goals of the department of law enforcement would
14 include:

- 15 (1) Establishing a partnership with the federal Joint
16 Terrorism Task Force to protect the State from
17 domestic and foreign threats;
- 18 (2) Eliminating the narcotics epidemic that plagues
19 Hawaii's communities through its commitment of
20 investigators in the federal High Intensity Drug
21 Trafficking Area task forces;



- 1 (3) Expanding the narcotics canine program; and
- 2 (4) Reducing gun violence and other violent criminal acts
- 3 in island communities through participation in the
- 4 federal Project Safe Neighborhoods program.

5 This Act also establishes a training center within the

6 department of law enforcement to provide its law enforcement

7 entities the highest level of core and continuing education and

8 training. The training center will also be made available to

9 federal, state, and county law enforcement agencies upon their

10 request. The development of a department of law enforcement

11 training center, where all department of law enforcement

12 officers who intend to work on any island of Hawaii must be

13 certified, will ensure that all department of law enforcement

14 officers meet the standards set by the law enforcement standards

15 board established in chapter 139, Hawaii Revised Statutes. The

16 center will also ensure that the individuals who earn its

17 certification have learned the highest level of core and

18 continuing education and training. The center's curriculum will

19 be designed to ensure that the individuals trained here have the

20 knowledge and skills to protect and serve the public and will be



1 held accountable if they do not uphold the standards set by the
2 law enforcement standards board.

3 The legislature also finds that consolidating adult
4 corrections, reentry services, and other related functions into
5 a separate department of corrections and rehabilitation will
6 allow for the efficient use of resources in administering
7 correctional programs and administering and maintaining public
8 and private correctional services. The Hawaii correctional
9 industries, Hawaii paroling authority, and crime victim
10 compensation commission will be administered by the department
11 of corrections and rehabilitation.

12 The legislature intends that patrol officers assigned to
13 the department of law enforcement continue to retain the title
14 of deputy sheriffs. During the Kingdom of Hawaii, sheriffs
15 oversaw law enforcement activities on each island under the
16 supervision of a kingdom-wide marshal. From 1905 to 1960,
17 sheriffs protected the public as elected county officials,
18 including Duke Kahanamoku, who was elected Honolulu sheriff from
19 1934 to 1960. Modern-day deputy sheriffs have protected the
20 people of Hawaii for nearly fifty years, beginning in 1963 when



1 the legislature created the office of the sheriff within the
2 department of the attorney general.

3 The legislature does not intend to impair or diminish the
4 longstanding authority and responsibility of county police
5 departments to enforce the laws, along with state law
6 enforcement, on state lands within their respective counties.
7 County police departments will continue to have full law
8 enforcement authority and responsibility, and in particular will
9 continue to have concurrent jurisdiction with respect to state
10 parks, state buildings, state highways, Hawaiian home lands, and
11 other state lands and facilities.

12 Part II of this Act is to be effective upon approval of
13 this Act. Part II establishes a department of law enforcement
14 and its director and deputy directors. The department of law
15 enforcement will initially be staffed by its director, deputy
16 directors, and certain administrative staff. These personnel
17 will prepare for the transfer of state law enforcement functions
18 and personnel to the department on January 1, 2024.

19 Part III of this Act is to be effective on January 1, 2024.
20 Part III transfers the law enforcement functions and personnel



1 from the department of public safety to the department of law
2 enforcement and makes conforming amendments.

3 Part IV of this Act is to be effective on January 1, 2024.

4 Part IV renames the department of public safety as the
5 department of corrections and rehabilitation and the director of
6 public safety as the director of corrections and rehabilitation,
7 establishes its deputy directors, and makes conforming
8 amendments so that the authority and responsibilities of the
9 department of corrections and rehabilitation are set forth in
10 chapter 353, Hawaii Revised Statutes, while the authority and
11 responsibilities of the department of law enforcement are set
12 forth in chapter 353C, Hawaii Revised Statutes.

13 Part V of this Act is to be effective on January 1, 2024.

14 Part V transfers the law enforcement and security functions and
15 personnel of the harbors division of the department of
16 transportation, the non-statutorily mandated functions and law
17 enforcement personnel of the investigations division of the
18 department of the attorney general, and the office of homeland
19 security of the department of defense to the department of law
20 enforcement.



1 Part VI of this Act provides for the retention of civil
2 service status and related rights of transferred employees and
3 transfers any appropriations, equipment, contracts, leases,
4 policies, rules, guidelines, and other items to the respective
5 departments as provided in this Act.

6 Part VII of this Act is to be effective on July 1, 2022.
7 Part VII establishes new positions within the department of law
8 enforcement that are required for the department's operations.
9 These positions include the director of law enforcement, deputy
10 directors, and certain administrative positions that will staff
11 the department, as well as new positions that will be required
12 when parts III and V take effect on January 1, 2024. Part VII
13 also appropriates funds to the department of law enforcement to
14 fill certain positions that will be required to prepare the
15 department for the transfer of functions, personnel, and assets
16 from other departments on January 1, 2024. Part VII further
17 requires the department of law enforcement to report to the
18 legislature, no later than twenty days prior to the convening of
19 the regular session of 2023, the progress made in preparing for
20 the transfer of law enforcement functions to the department on
21 January 1, 2024.



1 Part VIII of this Act is to be effective on January 1,
2 2024. Part VIII establishes new positions within the department
3 of corrections and rehabilitation that will be required for the
4 operation of the department when parts III and IV take effect on
5 January 1, 2024.

6 PART II

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

10 "§26- Department of law enforcement. (a) The
11 department of law enforcement shall be headed by a single
12 executive to be known as the director of law enforcement.

13 (b) The director of law enforcement shall appoint, without
14 regard to chapter 76, two deputy directors to serve at the
15 director's pleasure. Unless otherwise assigned by the director,
16 one deputy director shall oversee the law enforcement programs
17 of the department of law enforcement and one deputy director
18 shall oversee administration of the department of law
19 enforcement.

20 (c) The department of law enforcement shall be responsible
21 for the formulation and implementation of state policies and



1 objectives for security, law enforcement, and public safety
2 programs and functions, for the service of process, and for the
3 security of state buildings and state land."

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

6 **"§26-4 Structure of government.** Under the supervision of
7 the governor, all executive and administrative offices,
8 departments, and instrumentalities of the state government and
9 their respective functions, powers, and duties shall be
10 allocated among and within the following principal departments
11 that are hereby established:

12 (1) Department of human resources development (Section
13 26-5) ;

14 (2) Department of accounting and general services (Section
15 26-6) ;

16 (3) Department of the attorney general (Section 26-7) ;

17 (4) Department of budget and finance (Section 26-8) ;

18 (5) Department of commerce and consumer affairs (Section
19 26-9) ;

20 (6) Department of taxation (Section 26-10) ;

21 (7) University of Hawaii (Section 26-11) ;



- 1 (8) Department of education (Section 26-12);
2 (9) Department of health (Section 26-13);
3 (10) Department of human services (Section 26-14);
4 (11) Department of land and natural resources (Section
5 26-15);
6 (12) Department of agriculture (Section 26-16);
7 (13) Department of Hawaiian home lands (Section 26-17);
8 (14) Department of business, economic development, and
9 tourism (Section 26-18);
10 (15) Department of transportation (Section 26-19);
11 (16) Department of labor and industrial relations (Section
12 26-20);
13 (17) Department of defense (Section 26-21);
14 (18) Department of public safety (Section 26-14.6) [–]; and
15 (19) Department of law enforcement (Section 26-)."

16 SECTION 4. Section 26-52, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§26-52 Department heads and executive officers.** The
19 salaries of the following state officers shall be as follows:

- 20 (1) The salary of the superintendent of education shall be
21 set by the board of education at a rate no greater



1 than \$250,000 a year. The superintendent shall be
2 subject to an annual performance evaluation that is in
3 alignment with other employee evaluations within the
4 department of education and are based on outcomes
5 determined by the board of education; provided that
6 nothing shall prohibit the board of education from
7 conditioning a portion of the salary on performance;

8 (2) The salary of the president of the University of
9 Hawaii shall be set by the board of regents;

10 (3) Effective July 1, 2004, the salaries of all department
11 heads or executive officers of the departments of
12 accounting and general services, agriculture, attorney
13 general, budget and finance, business, economic
14 development, and tourism, commerce and consumer
15 affairs, Hawaiian home lands, health, human resources
16 development, human services, labor and industrial
17 relations, land and natural resources, law
18 enforcement, public safety, taxation, and
19 transportation shall be as last recommended by the
20 executive salary commission. Effective July 1, 2007,
21 and every six years thereafter, the salaries shall be



1 as last recommended by the commission on salaries
2 pursuant to section 26-56, unless rejected by the
3 legislature; and

4 (4) The salary of the adjutant general shall be \$85,302 a
5 year. Effective July 1, 2007, and every six years
6 thereafter, the salary of the adjutant general shall
7 be as last recommended by the commission on salaries
8 pursuant to section 26-56, unless rejected by the
9 legislature, except that if the state salary is in
10 conflict with the pay and allowance fixed by the
11 tables of the regular Army or Air Force of the United
12 States, the latter shall prevail."

13 SECTION 5. Section 76-16, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The civil service to which this chapter applies shall
16 comprise all positions in the State now existing or hereafter
17 established and embrace all personal services performed for the
18 State, except the following:

19 (1) Commissioned and enlisted personnel of the Hawaii
20 National Guard as such, and positions in the Hawaii
21 National Guard that are required by state or federal



1 laws or regulations or orders of the National Guard to
2 be filled from those commissioned or enlisted
3 personnel;

4 (2) Positions filled by persons employed by contract where
5 the director of human resources development has
6 certified that the service is special or unique or is
7 essential to the public interest and that, because of
8 circumstances surrounding its fulfillment, personnel
9 to perform the service cannot be obtained through
10 normal civil service recruitment procedures. Any such
11 contract may be for any period not exceeding one year;

12 (3) Positions that must be filled without delay to comply
13 with a court order or decree if the director
14 determines that recruitment through normal recruitment
15 civil service procedures would result in delay or
16 noncompliance, such as the Felix-Cayetano consent
17 decree;

18 (4) Positions filled by the legislature or by either house
19 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



1 associate justice of the supreme court and each judge
2 of the intermediate appellate court, one law clerk for
3 each judge of the circuit court, two additional law
4 clerks for the civil administrative judge of the
5 circuit court of the first circuit, two additional law
6 clerks for the criminal administrative judge of the
7 circuit court of the first circuit, one additional law
8 clerk for the senior judge of the family court of the
9 first circuit, two additional law clerks for the civil
10 motions judge of the circuit court of the first
11 circuit, two additional law clerks for the criminal
12 motions judge of the circuit court of the first
13 circuit, and two law clerks for the administrative
14 judge of the district court of the first circuit; and
15 one private secretary for the administrative director
16 of the courts, the deputy administrative director of
17 the courts, each department head, each deputy or first
18 assistant, and each additional deputy, or assistant
19 deputy, or assistant defined in paragraph (16);

20 (10) First deputy and deputy attorneys general, the
21 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

- 6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel,
9 not more than twenty noncertificated
10 administrative, professional, and technical
11 personnel not engaged in instructional work;
- 12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, bilingual/bicultural
14 school-home assistants, school psychologists,
15 psychological examiners, speech pathologists,
16 athletic health care trainers, alternative school
17 work study assistants, alternative school
18 educational/supportive services specialists,
19 alternative school project coordinators, and
20 communications aides in the department of
21 education;



1 (C) The special assistant to the state librarian and
2 one secretary for the special assistant to the
3 state librarian; and

4 (D) Members of the faculty of the University of
5 Hawaii, including research workers, extension
6 agents, personnel engaged in instructional work,
7 and administrative, professional, and technical
8 personnel of the university;

9 (12) Employees engaged in special, research, or
10 demonstration projects approved by the governor;

11 (13) (A) Positions filled by inmates, patients of state
12 institutions, persons with severe physical or
13 mental disabilities participating in the work
14 experience training programs;

15 (B) Positions filled with students in accordance with
16 guidelines for established state employment
17 programs; and

18 (C) Positions that provide work experience training
19 or temporary public service employment that are
20 filled by persons entering the workforce or
21 persons transitioning into other careers under



1 programs such as the federal Workforce Investment
2 Act of 1998, as amended, or the Senior Community
3 Service Employment Program of the Employment and
4 Training Administration of the United States
5 Department of Labor, or under other similar state
6 programs;

7 (14) A custodian or guide at Iolani Palace, the Royal
8 Mausoleum, and Hulihee Palace;

9 (15) Positions filled by persons employed on a fee,
10 contract, or piecework basis, who may lawfully perform
11 their duties concurrently with their private business
12 or profession or other private employment and whose
13 duties require only a portion of their time, if it is
14 impracticable to ascertain or anticipate the portion
15 of time to be devoted to the service of the State;

16 (16) Positions of first deputies or first assistants of
17 each department head appointed under or in the manner
18 provided in section 6, article V, of the Hawaii State
19 Constitution; three additional deputies or assistants
20 either in charge of the highways, harbors, and
21 airports divisions or other functions within the



1 department of transportation as may be assigned by the
2 director of transportation, with the approval of the
3 governor; four additional deputies in the department
4 of health, each in charge of one of the following:
5 behavioral health, environmental health, hospitals,
6 and health resources administration, including other
7 functions within the department as may be assigned by
8 the director of health, with the approval of the
9 governor; two additional deputies in charge of the law
10 enforcement programs, administration, or other
11 functions within the department of law enforcement as
12 may be assigned by the director of law enforcement,
13 with the approval of the governor; an administrative
14 assistant to the state librarian; and an
15 administrative assistant to the superintendent of
16 education;

17 (17) Positions specifically exempted from this part by any
18 other law; provided that:

19 (A) Any exemption created after July 1, 2014, shall
20 expire three years after its enactment unless



1 affirmatively extended by an act of the
2 legislature; and
3 (B) All of the positions defined by paragraph (9)
4 shall be included in the position classification
5 plan;
6 (18) Positions in the state foster grandparent program and
7 positions for temporary employment of senior citizens
8 in occupations in which there is a severe personnel
9 shortage or in special projects;
10 (19) Household employees at the official residence of the
11 president of the University of Hawaii;
12 (20) Employees in the department of education engaged in
13 the supervision of students during meal periods in the
14 distribution, collection, and counting of meal
15 tickets, and in the cleaning of classrooms after
16 school hours on a less than half-time basis;
17 (21) Employees hired under the tenant hire program of the
18 Hawaii public housing authority; provided that not
19 more than twenty-six per cent of the authority's
20 workforce in any housing project maintained or



1 operated by the authority shall be hired under the
2 tenant hire program;

3 (22) Positions of the federally funded expanded food and
4 nutrition program of the University of Hawaii that
5 require the hiring of nutrition program assistants who
6 live in the areas they serve;

7 (23) Positions filled by persons with severe disabilities
8 who are certified by the state vocational
9 rehabilitation office that they are able to perform
10 safely the duties of the positions;

11 (24) The sheriff;

12 (25) A gender and other fairness coordinator hired by the
13 judiciary;

14 (26) Positions in the Hawaii National Guard youth and adult
15 education programs;

16 (27) In the state energy office in the department of
17 business, economic development, and tourism, all
18 energy program managers, energy program specialists,
19 energy program assistants, and energy analysts;

20 (28) Administrative appeals hearing officers in the
21 department of human services;



1 (29) In the Med-QUEST division of the department of human
2 services, the division administrator, finance officer,
3 health care services branch administrator, medical
4 director, and clinical standards administrator;

5 (30) In the director's office of the department of human
6 services, the enterprise officer, information security
7 and privacy compliance officer, security and privacy
8 compliance engineer, and security and privacy
9 compliance analyst;

10 (31) The Alzheimer's disease and related dementia services
11 coordinator in the executive office on aging;

12 (32) In the Hawaii emergency management agency, the
13 executive officer, public information officer, civil
14 defense administrative officer, branch chiefs, and
15 emergency operations center state warning point
16 personnel; provided that, for state warning point
17 personnel, the director shall determine that
18 recruitment through normal civil service recruitment
19 procedures would result in delay or noncompliance; and



1 [+] (33) [+] The executive director and seven full-time
2 administrative positions of the school facilities
3 authority.

4 The director shall determine the applicability of this
5 section to specific positions.

6 Nothing in this section shall be deemed to affect the civil
7 service status of any incumbent as it existed on July 1, 1955."

8 PART III

9 SECTION 6. All rights, powers, functions, and duties of
10 the employees of the sheriff division, narcotics enforcement
11 division, internal affairs office, and the law enforcement
12 officers within the training and staff development division of
13 the department of public safety are transferred to the
14 department of law enforcement. The positions of director of
15 public safety, deputy director for administration, deputy
16 director for corrections, and deputy director for law
17 enforcement of the department of public safety shall become the
18 positions of director of corrections and rehabilitation, deputy
19 director for correctional institutions, deputy director for
20 rehabilitation services and programs, and deputy director for
21 administration, respectively, within the department of



1 corrections and rehabilitation established in part IV of this
2 Act.

3 SECTION 7. Chapter 353C, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§353C- Statewide law enforcement training center; law
7 enforcement complex. There is established within the department
8 a department of law enforcement training center. The center
9 shall provide training and administer certification requirements
10 of all state department of law enforcement personnel who
11 exercise police powers in the State, and be available for all
12 county law enforcement agencies. Such training shall conform to
13 uniform statewide standards set by the law enforcement standards
14 board pursuant to chapter 139. The center shall operate and
15 maintain such facilities as are necessary to conduct training
16 and certification under this section. A new law enforcement
17 complex at the Mililani technology park, Oahu, is also
18 established, to be administered by the department of law
19 enforcement for multi-purpose law enforcement use to consolidate
20 and support:



1 (1) The respective headquarters and administrative
2 services of the affected functions involved;
3 (2) Training; and
4 (3) Related support services and facilities,
5 as required by law for the department of law enforcement to
6 operate and function."

7 SECTION 8. Section 88-21, Hawaii Revised Statutes, is
8 amended by amending the definition of "public safety
9 investigations staff investigators" to read as follows:

10 ""~~[Public safety]~~ Law enforcement investigations staff
11 investigators"~~[÷]~~ means those employees in the investigations
12 staff office of the department of ~~[public safety]~~ law
13 enforcement who have been conferred police powers by the
14 director of ~~[public safety]~~ law enforcement in accordance with
15 section 353C-4 and are in the positions of investigator I to
16 VII."

17 SECTION 9. Section 139-1, Hawaii Revised Statutes, is
18 amended by amending the definition of "law enforcement officer"
19 to read as follows:

20 ""Law enforcement officer" means:



(1) A police officer employed by a county police department;

(2) ~~[A public safety officer employed by the department of public safety;]~~ An employee of the department of law enforcement conferred with police powers by the director of law enforcement; or

(3) An employee of the department of transportation, department of land and natural resources, department of taxation, or department of the attorney general who is conferred by law with general police powers."

SECTION 10. Chapter 353C, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"CHAPTER 353C

[PUBLIC SAFETY] LAW ENFORCEMENT"

SECTION 11. Section 353C-2, Hawaii Revised Statutes, is amended to read as follows:

"§353C-2 Director of ~~[public safety;]~~ law enforcement;
powers and duties. ~~[(a)]~~ The director of ~~[public safety]~~ law enforcement shall administer the public safety programs of the department ~~[of public safety]~~ and shall be responsible for the formulation and implementation of state goals and objectives for



1 ~~[correctional and]~~ state law enforcement programs~~[, including~~
2 ~~ensuring that correctional facilities and correctional services~~
3 ~~meet the present and future needs of persons committed to the~~
4 ~~correctional facilities.]~~ and homeland security, including the
5 deployment of adequate resources and coordination with county
6 police departments to protect the health and safety of homestead
7 communities on Hawaiian home lands. In the administration of
8 these programs, the director may:

9 (1) Preserve the public peace, prevent crime, detect and
10 arrest offenders against the law, protect the rights
11 of persons and property, and enforce and prevent
12 violation of all laws and administrative rules of the
13 State as the director deems to be necessary or
14 desirable or upon request, to assist other state
15 officers or agencies that have primary administrative
16 responsibility over specific subject matters or
17 programs;

18 (2) Train, equip, maintain, and supervise the force of
19 ~~[public safety officers, including]~~ law enforcement
20 ~~[and correctional personnel,]~~ officers and other
21 employees of the department;



- 1 (3) Serve process both in civil and criminal proceedings;
- 2 (4) Perform other duties as may be required by law;
- 3 (5) Adopt, pursuant to chapter 91, rules that are
- 4 necessary or desirable for the administration of
- 5 ~~[public safety]~~ state law enforcement programs; and
- 6 (6) Enter into contracts ~~[in]~~ on behalf of the department
- 7 and take all actions deemed necessary and appropriate
- 8 for the proper and efficient administration of the
- 9 department.

10 ~~[(b)] The department of public safety shall report to the~~

11 ~~legislature not later than twenty days prior to the commencement~~

12 ~~of the 2008 regular session, and every session thereafter, with~~

13 ~~its achievements, continuing improvements, and ongoing problems~~

14 ~~in providing the appropriate mental health care to committed~~

15 ~~persons under its jurisdiction.]"~~

16 SECTION 12. 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 13. Section 353C-4, Hawaii Revised Statutes, is
6 amended as follows:

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

8 "(a) The director may appoint employees to be [~~public~~
9 ~~safety~~] state law enforcement officers who shall have all of the
10 powers of police officers; provided that the director may
11 establish and assign the employees to positions or categories of
12 positions that may have differing titles, specific duties, and
13 limitations upon the exercise of police powers."

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

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



1 The duties of state law enforcement officers shall also include
2 the service of process, including subpoenas, warrants, and other
3 legal documents, and other duties as the director may assign[
4 ~~including the performance of duties of other public safety~~
5 ~~officers within the department~~]. State law enforcement officers
6 shall have all of the powers of police officers, including the
7 power of arrest. This section does not relieve, nor will it
8 diminish, county police officers of any authority or
9 responsibility to enforce laws or to maintain public safety on
10 state lands and in state buildings or in their respective
11 counties."

12 SECTION 14. Section 353C-5, Hawaii Revised Statutes, is
13 amended by amending subsections (a), (b), and (c) to read as
14 follows:

15 "(a) The department shall develop standards to ensure the
16 reputable and responsible characters of staff members [~~of its~~
17 ~~correctional facilities~~], which shall include criminal history
18 record checks.

19 (b) For purposes of this section:

20 "Prospective staff member" means any applicant for a job in
21 the department [~~of public safety that is directly involved with~~



1 ~~the treatment and care of persons committed to a facility or~~
2 ~~that requires]~~ that involves the exercise of police powers~~[7]~~
3 conferred by the director, including the power to arrest ~~[in the~~
4 ~~performance of its duties]~~.

5 "Staff member" means any employee of the department ~~[of~~
6 ~~public safety who is directly involved with the treatment and~~
7 ~~care of persons committed to a facility or]~~ who possesses police
8 powers~~[7]~~ conferred by the director, including the power of
9 arrest.

10 (c) The department shall obtain criminal history record
11 information through the Hawaii criminal justice data center in
12 accordance with section 846-2.7, on all staff members and
13 prospective staff members of the department of ~~[public safety.]~~
14 law enforcement. Prospective staff members shall be
15 fingerprinted and the criminal history record check shall be
16 completed ~~[prior to]~~ before beginning employment."

17 SECTION 15. Section 353C-6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "[~~{~~]**\$353C-6**~~{~~] **Parking fees, exemption.** Notwithstanding
20 any other law, rule, or provision to the contrary, ~~[special~~
21 ~~service deputies]~~ law enforcement officers of the department of



1 ~~[public safety]~~ law enforcement are exempt from all state and
2 county parking meter fees and county time parking restrictions
3 while in the performance of their official duties, including
4 attendance at court; provided that this exemption shall:

5 (1) Apply exclusively to state owned law enforcement
6 vehicles assigned to the department of ~~[public~~
7 ~~safety]~~ law enforcement; and

8 (2) Not apply to private individuals retained by the
9 department on a contractual basis to serve civil
10 process in any capacity."

11 SECTION 16. Section 707-700, Hawaii Revised Statutes, is
12 amended by amending the definition of "emergency worker" to read
13 as follows:

14 "'Emergency worker" means any:

15 (1) Law enforcement officer, including any police officer,
16 ~~[public safety officer]~~ employee of the department of
17 law enforcement conferred with police powers by the
18 director of law enforcement, parole or probation
19 officer, or any other officer of any county, state,
20 federal, or military agency authorized to exercise law
21 enforcement or police powers;



(2) Firefighter, emergency medical services personnel, emergency medical technician, ambulance crewmember, or any other emergency response personnel;

(3) Member of the Hawaii National Guard on any duty or service done under or in pursuance of an order or call of the governor or the President of the United States or any proper authority;

(4) Member of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard on any duty or service performed under or in pursuance of an order or call of the President of the United States or any proper authority;

(5) Member of the National Guard from any other state ordered into service by any proper authority; or

(6) Person engaged in emergency management functions as authorized by the director of Hawaii emergency management or the administrator or director of the county emergency management agency or as otherwise authorized under chapter 127A."

SECTION 17. (a) Sections 28-151, 78-52, 134-81, 139-7, 200-2, 205A-62, 291E-6.5, 328-16, 329-1, 329-11, 329-18, 329-20,



1 329-23, 329-31, 329-32, 329-33, 329-34, 329-35, 329-36, 329-37,
2 329-51, 329-54, 329-55, 329-57, 329-58, 329-61, 329-63, 329-64,
3 329-66, 329-67, 329-68, 329-71, 329-72, 329-75, 334D-5, 350-1.1,
4 353C-1, 386-181, 651-1, and 844D-38, Hawaii Revised Statutes,
5 are amended by substituting the phrase "department of law
6 enforcement", or similar term, wherever the phrase "department
7 of public safety", or similar term, appears.

8 (b) Sections 134C-2, 200-27, 226-64, 329-51, 329-59, 329-
9 69, 346-382, 353C-1, 577E-3, 587A-4, 614-2, and 651-1, Hawaii
10 Revised Statutes, are amended by substituting the phrase
11 "director of law enforcement", or similar term, wherever the
12 phrase "director of public safety", or similar term, appears, as
13 the context requires.

14 (c) Sections 501-154, 603-29, 604-6.2, 607-4, 607-8,
15 633-8, 634-11, 634-12, 634-22, 634-29, 652-1.5, 652-2, 652-2.5,
16 652-2.6, 654-2, 666-11, and 666-21, Hawaii Revised Statutes, are
17 amended by substituting the phrase "department of law
18 enforcement's", or similar term, wherever the phrase "department
19 of public safety's", or similar term, appears.

20 (d) Sections 88-45, 88-47, 88-74, and 88-321, Hawaii
21 Revised Statutes, are amended by substituting the phrase "law



1 enforcement investigations staff", or similar term, wherever the
2 phrase "public safety investigations staff", or similar term,
3 appears.

4 PART IV

5 SECTION 18. Chapter 353, Hawaii Revised Statutes, is
6 amended by adding seven new sections to part I to be
7 appropriately designated and to read as follows:

8 **"§353-A Director of corrections and rehabilitation; powers
9 and duties.** (a) The director shall be responsible for the

10 formulation and implementation of state goals and objectives for
11 correctional 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) Train, equip, maintain, and supervise correctional
16 personnel and other employees of the department;
17 (2) Perform other duties as may be required by law;
18 (3) Adopt, pursuant to chapter 91, rules that are
19 necessary or desirable for the administration of
20 corrections; and



1 (4) Enter into contracts on behalf of the department and
2 take all actions deemed necessary and appropriate for
3 the proper and efficient administration of the
4 department, including contracts for the custody and
5 care of Hawaii inmates housed outside of the State.

6 (b) The department of corrections and rehabilitation shall
7 report to the legislature not later than twenty days prior to
8 the commencement of the regular session of 2024, and every
9 session thereafter, with its achievements, continuing
10 improvements, and ongoing problems in providing the appropriate
11 mental health care to committed persons under its jurisdiction.

12 **\$353-B Deputy directors; appointment.** The director shall
13 appoint, without regard to chapter 76, three deputy directors to
14 serve at the director's pleasure. Unless otherwise assigned by
15 the director, one deputy director shall oversee the correctional
16 institutions of the department including prisons and jails
17 within the State and any contracts for the custody and care of
18 Hawaii inmates housed outside of the State, one deputy director
19 shall oversee the rehabilitation services and programs of the
20 department, and one deputy director shall oversee administration
21 of the department.



1 §353-C Correctional health care program. There is
2 established a correctional health care program within the
3 department. The administrator of the correctional health care
4 program and physicians who provide care to inmates shall be
5 appointed by the director without regard to chapter 76.

6 §353-D Criminal history record checks. (a) The
7 department shall develop standards to ensure the reputable and
8 responsible characters of staff members of the State's
9 correctional facilities, which shall include criminal history
10 record checks.

11 (b) For purposes of this section:

12 "Prospective staff member" means any applicant for a job in
13 the department that is directly involved with the treatment and
14 care of persons committed to a facility.

15 "Staff member" means any employee of the department who is
16 directly involved with the treatment and care of persons
17 committed to a facility.

18 (c) The department shall obtain criminal history record
19 information through the Hawaii criminal justice data center in
20 accordance with section 846-2.7, on all staff members and
21 prospective staff members of the department. Prospective staff



1 members shall be fingerprinted and the criminal history record
2 check shall be completed before beginning employment.

3 (d) The department may deny employment to a prospective
4 staff member who was convicted of a crime other than a minor
5 traffic violation involving a fine of \$50 or less and if the
6 department finds from the prospective staff member's criminal
7 history record that the prospective staff member poses a risk to
8 the health, safety, security, or well-being of inmates under
9 supervision and confinement, other staff, or the public at
10 large.

11 (e) Staff members shall not be subject to termination
12 based on findings in their criminal records except for:

13 (1) Those whose conviction of a crime occurred after
14 May 8, 1989, or under circumstances in which a staff
15 member is a fugitive from justice; and

16 (2) Crimes other than a minor traffic violation involving
17 a fine of \$50 or less, where because of the staff
18 member's conviction record, the staff member poses a
19 risk to the health, safety, security, or well-being of
20 inmates under supervision and confinement, other
21 staff, or the public at large.



1 **§353-E Federal reimbursement maximization special fund.**

2 (a) There is established in the state treasury the federal
3 reimbursement maximization special fund, into which shall be
4 deposited all federal reimbursements received by the department
5 relating to the State Criminal Alien Assistance Program. Unless
6 otherwise provided by law, all other receipts shall immediately
7 be deposited to the credit of the general fund of the State.

8 (b) Moneys in the federal reimbursement maximization
9 special fund shall be used by the department for the following
10 purposes:

11 (1) To meet the state match requirement for federal grants
12 and costs associated with federal grant reporting
13 requirements, including administrative expenses such
14 as the hiring of temporary staff;

15 (2) For any other purpose deemed necessary by the
16 department for maintaining or pursuing federal grants;

17 (3) To hire consultants to provide training for
18 corrections officers;

19 (4) To hire consultants to conduct facility or program
20 evaluations;

21 (5) To rent or purchase vehicles to transport inmates;



1 (6) To provide pre-release and reentry programs;

2 (7) To improve technology; and

3 (8) To recruit and retain corrections workforce.

4 (c) The department shall prepare and submit an annual
5 report on the status of the federal reimbursement maximization
6 special fund to the legislature no later than twenty days before
7 the convening of each regular session. The annual report shall
8 include a description of the use of the funds.

9 **§353-F Sexual assaults in prison.** (a) The department, to
10 the best of the department's ability, shall address sexual
11 assault in prison and make every effort to seek grant moneys
12 from the federal government to implement those efforts. The
13 department shall place priority upon establishing:

14 (1) Appropriate counseling services for sexual assault, to
15 be made available to victims of prison sexual assault
16 within twenty-four hours of the report of an assault;
17 and

18 (2) Policies and standards of transparency to achieve a
19 zero-tolerance policy for sexual assault.



1 (b) The department, no later than twenty days prior to the
2 convening of each regular session, shall report data to the
3 legislature regarding:

4 (1) Sexual assault by persons in custody against other
5 persons in custody of the department;

6 (2) Sexual assault by correctional staff against persons
7 in custody of the department;

8 (3) Non-criminal sexual misconduct by staff, including
9 sexual harassment of persons in custody of the
10 department;

11 (4) Criminal cases initiated, and closed by dismissal,
12 plea, or verdict, for sexual assaults by or upon a
13 person in custody of the department; and

14 (5) Civil claims filed and closed by dismissal,
15 settlement, or verdict for sexual assaults by or upon
16 a person in custody of the department.

17 (c) The department shall preserve any forensic evidence
18 consisting of human biological specimens for collection by the
19 relevant criminal investigation entity or coroner, if there is
20 any indication of sexual assault leading to the death of any:



(1) Correctional facility or community correctional center employee who dies on the grounds of a correctional facility or community correctional center where Hawaii inmates reside or who sustains an injury on the grounds of a correctional facility or community correctional center where Hawaii inmates reside that causes the death of the employee; and

(2) Hawaii inmate who is incarcerated in a state or contracted correctional facility.

§353-G Correctional facility and community correctional center deaths; reporting. (a) Within forty-eight hours, the director shall report to the governor, and the governor shall report to the legislature, the death of any:

(1) Correctional facility or community correctional center employee who:

(A) Dies on the grounds of a correctional facility or community correctional center where Hawaii inmates reside; or

(B) Sustains an injury on the grounds of a correctional facility or community correctional



1 center where Hawaii inmates reside that causes
2 the death of the employee; or
3 (2) Hawaii inmate who is incarcerated in a state or
4 contracted correctional facility.
5 (b) The report in subsection (a) shall include the
6 following information:
7 (1) The name of the decedent; provided that this
8 information is not protected from disclosure by state
9 or federal law;
10 (2) The gender and age of the decedent;
11 (3) Whether the decedent was an inmate or an employee;
12 (4) The location of the death or injury leading to the
13 death;
14 (5) The date and time of the death;
15 (6) The cause of death; and
16 (7) Any indication of sexual assault leading to the death;
17 provided that when the official cause of death has been
18 determined, the director shall immediately report the official
19 cause of death to the governor, and the governor shall
20 immediately report the official cause of death to the
21 legislature.



1 (c) Within thirty days of a death described in subsection
2 (a), the director shall submit a report to the governor, and the
3 governor shall submit the report to the legislature, of the
4 clinical mortality review conducted in response to the death,
5 including correctional actions to be taken.

6 (d) The director may disclose other information not
7 specified in subsection (b); provided that the director shall
8 not disclose information protected from disclosure by state or
9 federal law."

10 SECTION 19. Section 23-12, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) Each special, revolving, and trust fund shall be
13 reviewed every five years as follows:

14 (1) Beginning 2014 and every five years thereafter, the
15 auditor shall submit a review of the special,
16 revolving, and trust funds of the department of
17 accounting and general services; the department of
18 agriculture; the department of budget and finance; and
19 the department of land and natural resources;

20 (2) Beginning 2015 and every five years thereafter, the
21 auditor shall submit a review of the special,



1 revolving, and trust funds of the department of the
2 attorney general; the department of business, economic
3 development, and tourism; and the University of Hawaii
4 system;

5 (3) Beginning 2016 and every five years thereafter, the
6 auditor shall submit a review of the special,
7 revolving, and trust funds within the judiciary and of
8 the department of commerce and consumer affairs; the
9 department of Hawaiian home lands; the department of
10 health; and the department of human services;

11 (4) Beginning 2017 and every five years thereafter, the
12 auditor shall submit a review of the special,
13 revolving, and trust funds of the office of the
14 governor; the office of Hawaiian affairs; and the
15 department of education;

16 (5) Beginning 2018 and every five years thereafter, the
17 auditor shall submit a review of the special,
18 revolving, and trust funds of the department of labor
19 and industrial relations; the department of taxation;
20 the department of human resources development; the
21 department of ~~[public safety;]~~ corrections and



1 rehabilitation; the department of law enforcement; and
2 all other moneys expended in accordance with section
3 37-40; and

4 (6) Beginning 2014 and every five years thereafter, the
5 auditor shall submit a review of the special,
6 revolving, and trust funds of the department of
7 transportation and the department of defense."

8 SECTION 20. Section 26-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§26-4 Structure of government.** Under the supervision of
11 the governor, all executive and administrative offices,
12 departments, and instrumentalities of the state government and
13 their respective functions, powers, and duties shall be
14 allocated among and within the following principal departments
15 that are hereby established:

16 (1) Department of human resources development (Section
17 26-5);

18 (2) Department of accounting and general services (Section
19 26-6);

20 (3) Department of the attorney general (Section 26-7);

21 (4) Department of budget and finance (Section 26-8);



- 1 (5) Department of commerce and consumer affairs (Section
2 26-9) ;
3 (6) Department of taxation (Section 26-10) ;
4 (7) University of Hawaii (Section 26-11) ;
5 (8) Department of education (Section 26-12) ;
6 (9) Department of health (Section 26-13) ;
7 (10) Department of human services (Section 26-14) ;
8 (11) Department of land and natural resources (Section
9 26-15) ;
10 (12) Department of agriculture (Section 26-16) ;
11 (13) Department of Hawaiian home lands (Section 26-17) ;
12 (14) Department of business, economic development, and
13 tourism (Section 26-18) ;
14 (15) Department of transportation (Section 26-19) ;
15 (16) Department of labor and industrial relations (Section
16 26-20) ;
17 (17) Department of defense (Section 26-21) ;
18 (18) Department of [~~public safety~~] corrections and
19 rehabilitation (Section 26-14.6) [~~+~~] ; and
20 (19) Department of law enforcement (Section 26-) ."



1 SECTION 21. Section 26-14.6, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-14.6 Department of [public safety.] corrections and**
4 **rehabilitation.** (a) The department of [public safety]
5 corrections and rehabilitation shall be headed by a single
6 executive to be known as the director of [public safety.]
7 corrections and rehabilitation.

8 (b) The department of [public safety] corrections and
9 rehabilitation shall be responsible for the formulation and
10 implementation of state policies and objectives for the
11 correctional[, security, law enforcement, and public safety
12 programs and functions,] system statewide and for the
13 administration and maintenance of all public or private
14 correctional facilities and services[, for the service of
15 process, and for the security of state buildings].

16 (c) Effective July 1, 1990, the Hawaii paroling authority
17 and the crime victim compensation commission are placed within
18 the department of public safety for administrative purposes
19 only[.], and effective January 1, 2024, the Hawaii paroling
20 authority and the crime victim compensation commission are



1 placed within the department of corrections and rehabilitation
2 for administrative purposes 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 Effective January 1, 2024, the functions and authority
15 transferred in paragraph (1) shall be transferred to the
16 department of corrections and rehabilitation, and the functions
17 and authority transferred in paragraphs (2) and (3) shall be
18 transferred to the department of law enforcement.

19 (e) Effective July 1, 1990, the functions and authority
20 heretofore exercised by the department of health pursuant to
21 chapters 329 and 329C, with the exception of sections 329-2,



1 329-3, and 329-4(3) to (8), shall be transferred to the
2 department of public safety[-]; and effective January 1, 2024,
3 those functions and authority shall be transferred to the
4 department of law enforcement.

5 (f) Effective July 1, 1990, the functions, authority, and
6 obligations, together with the limitations imposed thereon and
7 the privileges and immunities conferred thereby, exercised by a
8 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
9 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
10 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
11 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
12 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,
13 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,
14 [~~587-33,~~] 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
15 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
16 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
17 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
18 exercised to the same extent by the department of public
19 safety[-]; and effective January 1, 2024, those functions,
20 authority, and obligations shall be exercised to the same extent
21 by the department of law enforcement.



1 (g) Effective January 1, 1993, the functions and authority
2 heretofore exercised by the attorney general and the department
3 of the attorney general relating to the executive security
4 officers shall be transferred to the department of public safety
5 [-]; and effective January 1, 2024, those functions and
6 authority shall be transferred to the department of law
7 enforcement.

8 (h) Effective July 1, 1999, the functions and authority
9 heretofore exercised by the director of public safety and the
10 department of public safety relating to after hours security
11 contracts at department of education facilities, except for the
12 security functions being performed by employees of the public
13 library system as well as the contractual security services for
14 the libraries, shall be transferred to the department of
15 education.

16 (i) Effective January 1, 1993, the functions and authority
17 heretofore exercised by the director of health and the
18 department of health relating to uniformed security employees
19 and security contracts at various state hospitals throughout the
20 State shall be transferred to the department of public safety
21 [-]; and effective January 1, 2024, those functions and



1 authority shall be transferred to the department of law
2 enforcement. Effective July 1, 2005, the functions, authority,
3 and employee positions of the department of public safety
4 relating to uniformed security employees and security contracts
5 at health facilities that are under the operation, management,
6 and control of the Hawaii health systems corporation shall be
7 transferred to the Hawaii health systems corporation.

8 (j) Effective January 1, 1993, the functions and authority
9 heretofore exercised by the director of human services and the
10 department of human services relating to contractual security
11 guard services shall be transferred to the department of public
12 safety[-]; and effective January 1, 2024, those functions and
13 authority shall be transferred to the department of law
14 enforcement.

15 (k) Effective July 1, 1994, the functions and authority
16 heretofore exercised by the adjutant general relating to
17 security for national guard and state emergency management
18 facilities in the Diamond Head complex, for after work hours,
19 shall be transferred to the department of public safety[-]; and
20 effective January 1, 2024, those functions and authority shall
21 be transferred to the department of law enforcement.



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

9 SECTION 22. Section 26-52, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§26-52 Department heads and executive officers.** The
12 salaries of the following state officers shall be as follows:

13 (1) The salary of the superintendent of education shall be
14 set by the board of education at a rate no greater
15 than \$250,000 a year. The superintendent shall be
16 subject to an annual performance evaluation that is in
17 alignment with other employee evaluations within the
18 department of education and are based on outcomes
19 determined by the board of education; provided that
20 nothing shall prohibit the board of education from
21 conditioning a portion of the salary on performance;



- 1 (2) The salary of the president of the University of
2 Hawaii shall be set by the board of regents;
- 3 (3) Effective July 1, 2004, the salaries of all department
4 heads or executive officers of the departments of
5 accounting and general services, agriculture, attorney
6 general, budget and finance, business, economic
7 development, and tourism, commerce and consumer
8 affairs, corrections and rehabilitation, Hawaiian home
9 lands, health, human resources development, human
10 services, labor and industrial relations, land and
11 natural resources, [~~public safety~~], law enforcement,
12 taxation, and transportation shall be as last
13 recommended by the executive salary commission.
14 Effective July 1, 2007, and every six years
15 thereafter, the salaries shall be as last recommended
16 by the commission on salaries pursuant to section
17 26-56, unless rejected by the legislature; and
- 18 (4) The salary of the adjutant general shall be \$85,302 a
19 year. Effective July 1, 2007, and every six years
20 thereafter, the salary of the adjutant general shall
21 be as last recommended by the commission on salaries



1 pursuant to section 26-56, unless rejected by the
2 legislature, except that if the state salary is in
3 conflict with the pay and allowance fixed by the
4 tables of the regular Army or Air Force of the United
5 States, the latter shall prevail."

6 SECTION 23. Section 26-56, Hawaii Revised Statutes, is
7 amended by amending subsection (b) to read as follows:

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

- 15 (1) Accounting and general services;
- 16 (2) Agriculture;
- 17 (3) The attorney general;
- 18 (4) Budget and finance;
- 19 (5) Business, economic development, and tourism;
- 20 (6) Commerce and consumer affairs;
- 21 (7) Corrections and rehabilitation;



- 1 [~~(7)~~] (8) Defense;
2 [~~(8)~~] (9) Hawaiian home lands;
3 [~~(9)~~] (10) Health;
4 [~~(10)~~] (11) Human resources development;
5 [~~(11)~~] (12) Human services;
6 [~~(12)~~] (13) Labor and industrial relations;
7 [~~(13)~~] (14) Land and natural resources;
8 [~~(14)~~ ~~Public safety;~~] (15) Law enforcement;
9 [~~(15)~~] (16) Taxation; and
10 [~~(16)~~] (17) Transportation.

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

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



1 The commission shall not recommend salaries lower than
2 salary amounts recommended by prior commissions replaced by this
3 section."

4 SECTION 24. Section 76-16, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) The civil service to which this chapter applies shall
7 comprise all positions in the State now existing or hereafter
8 established and embrace all personal services performed for the
9 State, except the following:

10 (1) Commissioned and enlisted personnel of the Hawaii
11 National Guard as such, and positions in the Hawaii
12 National Guard that are required by state or federal
13 laws or regulations or orders of the National Guard to
14 be filled from those commissioned or enlisted
15 personnel;

16 (2) Positions filled by persons employed by contract where
17 the director of human resources development has
18 certified that the service is special or unique or is
19 essential to the public interest and that, because of
20 circumstances surrounding its fulfillment, personnel
21 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply
4 with a court order or decree if the director
5 determines that recruitment through normal recruitment
6 civil service procedures would result in delay or
7 noncompliance, such as the Felix-Cayetano consent
8 decree;
- 9 (4) Positions filled by the legislature or by either house
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of
12 the lieutenant governor, and household employees at
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,
16 commission, or other state agency whose appointments
17 are made by the governor or are required by law to be
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 not more than twenty noncertificated



- 1 administrative, professional, and technical
2 personnel not engaged in instructional work;
- 3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
- 13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
- 16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
4 institutions, persons with severe physical or
5 mental disabilities participating in the work
6 experience training programs;
- 7 (B) Positions filled with students in accordance with
8 guidelines for established state employment
9 programs; and
- 10 (C) Positions that provide work experience training
11 or temporary public service employment that are
12 filled by persons entering the workforce or
13 persons transitioning into other careers under
14 programs such as the federal Workforce Investment
15 Act of 1998, as amended, or the Senior Community
16 Service Employment Program of the Employment and
17 Training Administration of the United States
18 Department of Labor, or under other similar state
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
21 Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;

8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; four additional deputies in the department
17 of health, each in charge of one of the following:
18 behavioral health, environmental health, hospitals,
19 and health resources administration, including other
20 functions within the department as may be assigned by
21 the director of health, with the approval of the



1 governor; two additional deputies in charge of the law
2 enforcement programs, administration, or other
3 functions within the department of law enforcement as
4 may be assigned by the director of law enforcement,
5 with the approval of the governor; three additional
6 deputies each in charge of the correctional
7 institutions, rehabilitation services and programs,
8 and administration or other functions within the
9 department of corrections and rehabilitation as may be
10 assigned by the director of corrections and
11 rehabilitation, with the approval of the governor; an
12 administrative assistant to the state librarian; and
13 an administrative assistant to the superintendent of
14 education;

15 (17) Positions specifically exempted from this part by any
16 other law; provided that:

17 (A) Any exemption created after July 1, 2014, shall
18 expire three years after its enactment unless
19 affirmatively extended by an act of the
20 legislature; and



(B) All of the positions defined by paragraph (9) shall be included in the position classification plan;

(18) Positions in the state foster grandparent program and positions for temporary employment of senior citizens in occupations in which there is a severe personnel shortage or in special projects;

(19) Household employees at the official residence of the president of the University of Hawaii;

(20) Employees in the department of education engaged in the supervision of students during meal periods in the distribution, collection, and counting of meal tickets, and in the cleaning of classrooms after school hours on a less than half-time basis;

(21) Employees hired under the tenant hire program of the Hawaii public housing authority; provided that not more than twenty-six per cent of the authority's workforce in any housing project maintained or operated by the authority shall be hired under the tenant hire program;



- 1 (22) Positions of the federally funded expanded food and
2 nutrition program of the University of Hawaii that
3 require the hiring of nutrition program assistants who
4 live in the areas they serve;
- 5 (23) Positions filled by persons with severe disabilities
6 who are certified by the state vocational
7 rehabilitation office that they are able to perform
8 safely the duties of the positions;
- 9 (24) The sheriff;
- 10 (25) A gender and other fairness coordinator hired by the
11 judiciary;
- 12 (26) Positions in the Hawaii National Guard youth and adult
13 education programs;
- 14 (27) In the state energy office in the department of
15 business, economic development, and tourism, all
16 energy program managers, energy program specialists,
17 energy program assistants, and energy analysts;
- 18 (28) Administrative appeals hearing officers in the
19 department of human services;
- 20 (29) In the Med-QUEST division of the department of human
21 services, the division administrator, finance officer,



1 health care services branch administrator, medical
2 director, and clinical standards administrator;

3 (30) In the director's office of the department of human
4 services, the enterprise officer, information security
5 and privacy compliance officer, security and privacy
6 compliance engineer, and security and privacy
7 compliance analyst;

8 (31) The Alzheimer's disease and related dementia services
9 coordinator in the executive office on aging;

10 (32) In the Hawaii emergency management agency, the
11 executive officer, public information officer, civil
12 defense administrative officer, branch chiefs, and
13 emergency operations center state warning point
14 personnel; provided that, for state warning point
15 personnel, the director shall determine that
16 recruitment through normal civil service recruitment
17 procedures would result in delay or noncompliance; and

18 [†] (33) [†] The executive director and seven full-time
19 administrative positions of the school facilities
20 authority.



1 The director shall determine the applicability of this
2 section to specific positions.

3 Nothing in this section shall be deemed to affect the civil
4 service status of any incumbent as it existed on July 1, 1955."

5 SECTION 25. Section 84-18, Hawaii Revised Statutes, is
6 amended by amending subsection (e) to read as follows:

7 "(e) Subject to the restrictions imposed in subsections
8 (a) through (d), the following individuals shall not represent
9 any person or business for a fee or other consideration
10 regarding any legislative action or administrative action, as
11 defined in section 97-1, for twelve months after termination
12 from their respective positions:

13 (1) The governor;

14 (2) The lieutenant governor;

15 (3) The administrative director of the State;

16 (4) The attorney general;

17 (5) The comptroller;

18 (6) The chairperson of the board of agriculture;

19 (7) The director of corrections and rehabilitation;

20 ~~[(7)]~~ (8) The director of finance;



1 ~~[-(8)]~~ (9) The director of business, economic development,
2 and tourism;
3 ~~[-(9)]~~ (10) The director of commerce and consumer affairs;
4 ~~[-(10)]~~ (11) The adjutant general;
5 ~~[-(11)]~~ (12) The superintendent of education;
6 ~~[-(12)]~~ (13) The chairperson of the Hawaiian homes
7 commission;
8 ~~[-(13)]~~ (14) The director of health;
9 ~~[-(14)]~~ (15) The director of human resources development;
10 ~~[-(15)]~~ (16) The director of human services;
11 ~~[-(16)]~~ (17) The director of labor and industrial relations;
12 ~~[-(17)]~~ (18) The chairperson of the board of land and natural
13 resources;
14 ~~[-(18)]~~ (19) The director of ~~[public safety]~~ law
15 enforcement;
16 ~~[-(19)]~~ (20) The director of taxation;
17 ~~[-(20)]~~ (21) The director of transportation;
18 ~~[-(21)]~~ (22) The president of the University of Hawaii;
19 ~~[-(22)]~~ (23) The executive administrator of the board of
20 regents of the University of Hawaii;



1 ~~[(23)]~~ (24) The administrator of the office of Hawaiian
2 affairs;
3 ~~[(24)]~~ (25) The chief information officer;
4 ~~[(25)]~~ (26) The executive director of the agribusiness
5 development corporation;
6 ~~[(26)]~~ (27) The executive director of the campaign spending
7 commission;
8 ~~[(27)]~~ (28) The executive director of the Hawaii community
9 development authority;
10 ~~[(28)]~~ (29) The executive director of the Hawaii housing
11 finance and development corporation;
12 ~~[(29)]~~ (30) The president and chief executive officer of the
13 Hawaii tourism authority;
14 ~~[(30)]~~ (31) The executive officer of the public utilities
15 commission;
16 ~~[(31)]~~ (32) The state auditor;
17 ~~[(32)]~~ (33) The director of the legislative reference
18 bureau;
19 ~~[(33)]~~ (34) The ombudsman;



1 ~~[(34)]~~ (35) The permanent employees of the legislature,
2 other than persons employed in clerical, secretarial,
3 or similar positions;

4 ~~[(35)]~~ (36) The administrative director of the courts;

5 ~~[(36)]~~ (37) The executive director of the state ethics
6 commission;

7 ~~[(37)]~~ (38) The executive officer of the state land use
8 commission;

9 ~~[(38)]~~ (39) The executive director of the natural energy
10 laboratory of Hawaii authority;

11 ~~[(39)]~~ (40) The executive director of the Hawaii public
12 housing authority; and

13 ~~[(40)]~~ (41) The first deputy to the chairperson of the
14 commission on water resource management;

15 provided that this subsection shall not apply to any person who
16 has held one of the positions listed above only on an interim or
17 acting basis and for a period of less than one hundred
18 eighty-one days."

19 SECTION 26. Chapter 353, Hawaii Revised Statutes, is
20 amended by amending its title to read as follows:



1 "CHAPTER 353

2 CORRECTIONS AND REHABILITATION"

3 SECTION 27. Section 378-2.5, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) Notwithstanding subsections (b) and (c), the
6 requirement that inquiry into and consideration of a prospective
7 employee's conviction record may take place only after the
8 individual has received a conditional job offer, and the
9 limitation to the most recent seven-year period for felony
10 convictions and the most recent five-year period for misdemeanor
11 convictions, excluding the period of incarceration, shall not
12 apply to employers who are expressly permitted to inquire into
13 an individual's criminal history for employment purposes
14 pursuant to any federal or state law other than subsection (a),
15 including:

16 (1) The State or any of its branches, political
17 subdivisions, or agencies pursuant to sections 78-2.7
18 and 831-3.1;

19 (2) The department of education pursuant to section
20 302A-601.5;



- 1 (3) The department of health with respect to employees,
2 providers, or subcontractors in positions that place
3 them in direct contact with clients when providing
4 non-witnessed direct mental health services pursuant
5 to section 321-171.5;
- 6 (4) The judiciary pursuant to section 571-34;
- 7 (5) The counties pursuant to section 846-2.7(b)(5), (33),
8 (34), (35), (36), and (38);
- 9 (6) Armed security services pursuant to section 261-17(b);
- 10 (7) Providers of a developmental disabilities domiciliary
11 home pursuant to section 321-15.2;
- 12 (8) Private schools pursuant to sections 302C-1 and
13 378-3(8);
- 14 (9) Financial institutions in which deposits are insured
15 by a federal agency having jurisdiction over the
16 financial institution pursuant to section 378-3(9);
- 17 (10) Detective agencies and security guard agencies
18 pursuant to sections 463-6(b) and 463-8(b);
- 19 (11) Employers in the business of insurance pursuant to
20 section 431:2-201.3;



- 1 (12) Employers of individuals or supervisors of individuals
2 responsible for screening passengers or property under
3 title 49 United States Code section 44901 or
4 individuals with unescorted access to an aircraft of
5 an air carrier or foreign carrier or in a secured area
6 of an airport in the United States pursuant to title
7 49 United States Code section 44936(a);
- 8 (13) The department of human services pursuant to sections
9 346-97 and 352-5.5;
- 10 (14) The public library system pursuant to section
11 302A-601.5;
- 12 (15) The department of [~~public safety~~] law enforcement
13 pursuant to section 353C-5;
- 14 (16) The board of directors of a cooperative housing
15 corporation or the manager of a cooperative housing
16 project pursuant to section 421I-12;
- 17 (17) The board of directors of an association under chapter
18 514B, or the managing agent or resident manager of a
19 condominium pursuant to section 514B-133; [~~and~~]
- 20 (18) The department of health pursuant to section
21 321-15.2[~~-~~]; and



1 (19) The department of corrections and rehabilitation
2 pursuant to section 353-D."

3 SECTION 28. Section 846-2.7, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Criminal history record checks may be conducted by:

6 (1) The department of health or its designee on operators
7 of adult foster homes for individuals with
8 developmental disabilities or developmental
9 disabilities domiciliary homes and their employees, as
10 provided by section 321-15.2;

11 (2) The department of health or its designee on
12 prospective employees, persons seeking to serve as
13 providers, or subcontractors in positions that place
14 them in direct contact with clients when providing
15 non-witnessed direct mental health or health care
16 services as provided by section 321-171.5;

17 (3) The department of health or its designee on all
18 applicants for licensure or certification for,
19 operators for, prospective employees, adult
20 volunteers, and all adults, except adults in care, at
21 healthcare facilities as defined in section 321-15.2;



- 1 (4) The department of education on employees, prospective
2 employees, and teacher trainees in any public school
3 in positions that necessitate close proximity to
4 children as provided by section 302A-601.5;
- 5 (5) The counties on employees and prospective employees
6 who may be in positions that place them in close
7 proximity to children in recreation or child care
8 programs and services;
- 9 (6) The county liquor commissions on applicants for liquor
10 licenses as provided by section 281-53.5;
- 11 (7) The county liquor commissions on employees and
12 prospective employees involved in liquor
13 administration, law enforcement, and liquor control
14 investigations;
- 15 (8) The department of human services on operators and
16 employees of child caring institutions, child placing
17 organizations, and foster boarding homes as provided
18 by section 346-17;
- 19 (9) The department of human services on prospective
20 adoptive parents as established under section 346-19.7;



- 1 (10) The department of human services or its designee on
2 applicants to operate child care facilities, household
3 members of the applicant, prospective employees of the
4 applicant, and new employees and household members of
5 the provider after registration or licensure as
6 provided by section 346-154, and persons subject to
7 section 346-152.5;
- 8 (11) The department of human services on persons exempt
9 pursuant to section 346-152 to be eligible to provide
10 child care and receive child care subsidies as
11 provided by section 346-152.5;
- 12 (12) The department of health on operators and employees of
13 home and community-based case management agencies and
14 operators and other adults, except for adults in care,
15 residing in community care foster family homes as
16 provided by section 321-15.2;
- 17 (13) The department of human services on staff members of
18 the Hawaii youth correctional facility as provided by
19 section 352-5.5;
- 20 (14) The department of human services on employees,
21 prospective employees, and volunteers of contracted



- 1 providers and subcontractors in positions that place
2 them in close proximity to youth when providing
3 services on behalf of the office or the Hawaii youth
4 correctional facility as provided by section 352D-4.3;
- 5 (15) The judiciary on employees and applicants at detention
6 and shelter facilities as provided by section 571-34;
- 7 (16) The department of [~~public safety~~] corrections and
8 rehabilitation on employees and prospective employees
9 who are directly involved with the treatment and care
10 of persons committed to a correctional facility [~~or~~
11 ~~who possess~~] as provided by section 353-D and the
12 department of law enforcement on employees and
13 prospective employees whose duties involve or may
14 involve the exercise of police powers including the
15 power of arrest as provided by section 353C-5;
- 16 (17) The board of private detectives and guards on
17 applicants for private detective or private guard
18 licensure as provided by section 463-9;
- 19 (18) Private schools and designated organizations on
20 employees and prospective employees who may be in
21 positions that necessitate close proximity to



- 1 children; provided that private schools and designated
2 organizations receive only indications of the states
3 from which the national criminal history record
4 information was provided pursuant to section 302C-1;
- 5 (19) The public library system on employees and prospective
6 employees whose positions place them in close
7 proximity to children as provided by section
8 302A-601.5;
- 9 (20) The State or any of its branches, political
10 subdivisions, or agencies on applicants and employees
11 holding a position that has the same type of contact
12 with children, vulnerable adults, or persons committed
13 to a correctional facility as other public employees
14 who hold positions that are authorized by law to
15 require criminal history record checks as a condition
16 of employment as provided by section 78-2.7;
- 17 (21) The department of health on licensed adult day care
18 center operators, employees, new employees,
19 subcontracted service providers and their employees,
20 and adult volunteers as provided by section 321-15.2;



- 1 (22) The department of human services on purchase of
2 service contracted and subcontracted service providers
3 and their employees serving clients of the adult
4 protective and community services branch, as provided
5 by section 346-97;
- 6 (23) The department of human services on foster grandparent
7 program, senior companion program, and respite
8 companion program participants as provided by section
9 346-97;
- 10 (24) The department of human services on contracted and
11 subcontracted service providers and their current and
12 prospective employees that provide home and
13 community-based services under section 1915(c) of the
14 Social Security Act, title 42 United States Code
15 section 1396n(c), or under any other applicable
16 section or sections of the Social Security Act for the
17 purposes of providing home and community-based
18 services, as provided by section 346-97;
- 19 (25) The department of commerce and consumer affairs on
20 proposed directors and executive officers of a bank,
21 savings bank, savings and loan association, trust



- 1 company, and depository financial services loan
2 company as provided by section 412:3-201;
- 3 (26) The department of commerce and consumer affairs on
4 proposed directors and executive officers of a
5 nondepository financial services loan company as
6 provided by section 412:3-301;
- 7 (27) The department of commerce and consumer affairs on the
8 original chartering applicants and proposed executive
9 officers of a credit union as provided by section
10 412:10-103;
- 11 (28) The department of commerce and consumer affairs on:
12 (A) Each principal of every non-corporate applicant
13 for a money transmitter license;
14 (B) Each person who upon approval of an application
15 by a corporate applicant for a money transmitter
16 license will be a principal of the licensee; and
17 (C) Each person who upon approval of an application
18 requesting approval of a proposed change in
19 control of licensee will be a principal of the
20 licensee,
21 as provided by sections 489D-9 and 489D-15;



- 1 (29) The department of commerce and consumer affairs on
2 applicants for licensure and persons licensed under
3 title 24;
- 4 (30) The Hawaii health systems corporation on:
- 5 (A) Employees;
- 6 (B) Applicants seeking employment;
- 7 (C) Current or prospective members of the corporation
8 board or regional system board; or
- 9 (D) Current or prospective volunteers, providers, or
10 contractors,
- 11 in any of the corporation's health facilities as
12 provided by section 323F-5.5;
- 13 (31) The department of commerce and consumer affairs on:
- 14 (A) An applicant for a mortgage loan originator
15 license, or license renewal; and
- 16 (B) Each control person, executive officer, director,
17 general partner, and managing member of an
18 applicant for a mortgage loan originator company
19 license or license renewal,
- 20 as provided by chapter 454F;



- 1 (32) The state public charter school commission or public
2 charter schools on employees, teacher trainees,
3 prospective employees, and prospective teacher
4 trainees in any public charter school for any position
5 that places them in close proximity to children, as
6 provided in section 302D-33;
- 7 (33) The counties on prospective employees who work with
8 children, vulnerable adults, or senior citizens in
9 community-based programs;
- 10 (34) The counties on prospective employees for fire
11 department positions that involve contact with
12 children or vulnerable adults;
- 13 (35) The counties on prospective employees for emergency
14 medical services positions that involve contact with
15 children or vulnerable adults;
- 16 (36) The counties on prospective employees for emergency
17 management positions and community volunteers whose
18 responsibilities involve planning and executing
19 homeland security measures including viewing,
20 handling, and engaging in law enforcement or



- 1 classified meetings and assisting vulnerable citizens
2 during emergencies or crises;
- 3 (37) The State and counties on employees, prospective
4 employees, volunteers, and contractors whose position
5 responsibilities require unescorted access to secured
6 areas and equipment related to a traffic management
7 center;
- 8 (38) The State and counties on employees and prospective
9 employees whose positions involve the handling or use
10 of firearms for other than law enforcement purposes;
- 11 (39) The State and counties on current and prospective
12 systems analysts and others involved in an agency's
13 information technology operation whose position
14 responsibilities provide them with access to
15 proprietary, confidential, or sensitive information;
- 16 (40) The department of commerce and consumer affairs on:
- 17 (A) Applicants for real estate appraiser licensure or
18 certification as provided by chapter 466K;
- 19 (B) Each person who owns more than ten per cent of an
20 appraisal management company who is applying for



- 1 registration as an appraisal management company,
2 as provided by section 466L-7; and
- 3 (C) Each of the controlling persons of an applicant
4 for registration as an appraisal management
5 company, as provided by section 466L-7;
- 6 (41) The department of health or its designee on all
7 license applicants, licensees, employees, contractors,
8 and prospective employees of medical cannabis
9 dispensaries, and individuals permitted to enter and
10 remain in medical cannabis dispensary facilities as
11 provided under sections 329D-15(a)(4) and
12 329D-16(a)(3);
- 13 (42) The department of commerce and consumer affairs on
14 applicants for nurse licensure or license renewal,
15 reactivation, or restoration as provided by sections
16 457-7, 457-8, 457-8.5, and 457-9;
- 17 (43) The county police departments on applicants for
18 permits to acquire firearms pursuant to section 134-2
19 and on individuals registering their firearms pursuant
20 to section 134-3;
- 21 (44) The department of commerce and consumer affairs on:



- 1 (A) Each of the controlling persons of the applicant
2 for licensure as an escrow depository, and each
3 of the officers, directors, and principals who
4 will be in charge of the escrow depository's
5 activities upon licensure; and
- 6 (B) Each of the controlling persons of an applicant
7 for proposed change in control of an escrow
8 depository licensee, and each of the officers,
9 directors, and principals who will be in charge
10 of the licensee's activities upon approval of the
11 application,
12 as provided by chapter 449;
- 13 (45) The department of taxation on current or prospective
14 employees or contractors who have access to federal
15 tax information in order to comply with requirements
16 of federal law, regulation, or procedure, as provided
17 by section 231-1.6;
- 18 (46) The department of labor and industrial relations on
19 current or prospective employees or contractors who
20 have access to federal tax information in order to



1 comply with requirements of federal law, regulation,
2 or procedure, as provided by section 383-110;
3 (47) The department of human services on current or
4 prospective employees or contractors who have access
5 to federal tax information in order to comply with
6 requirements of federal law, regulation, or procedure,
7 as provided by section 346-2.5;
8 (48) The child support enforcement agency on current or
9 prospective employees or contractors who have access
10 to federal tax information in order to comply with
11 federal law, regulation, or procedure, as provided by
12 section 576D-11.5;
13 (49) The department of the attorney general on current or
14 prospective employees or employees or agents of
15 contractors who have access to federal tax information
16 to comply with requirements of federal law,
17 regulation, or procedure, as provided by section 28-
18 17;
19 [+] (50) [+] The department of commerce and consumer affairs on
20 each control person, executive officer, director,
21 general partner, and managing member of an installment



1 loan licensee, or an applicant for an installment loan
2 license, as provided in chapter 480J;

3 [†] (51) [†] The University of Hawaii on current and prospective
4 employees and contractors whose duties include
5 ensuring the security of campus facilities and
6 persons; and

7 [†] (52) [†] Any other organization, entity, or the State, its
8 branches, political subdivisions, or agencies as may
9 be authorized by state law."

10 SECTION 29. (a) Sections 202-10, 304A-1751, 304A-1752,
11 304A-1753, 304A-1754, 321-193.5, 329B-2.5, 351-11, 352-10,
12 353-1, 353-6.5, 353-8, 353-10, 353-10.5, 353-11.5, 353-13.1,
13 353-13.4, 353-16.37, 353-63.5, 353-131, 353-137, 353E-1, 353E-2,
14 353G-2, 353G-3, 353G-4, 353G-5, 353G-6, 353G-13, 353G-14,
15 353G-16, 353H-2, 353H-2.5, 353H-3, 353H-4, 353H-6, 353H-7,
16 353H-8, 353H-31, 353H-32, 353L-3, 353L-5, 354D-1, 354D-2,
17 354D-8, 367D-2, 367D-8, 662-16, 706-604, 706-646, 706-667,
18 706-668.5, 706-669, 706-670, 706-670.5, 706-672, 706-673,
19 801D-4, 804-7, 844D-34, 844D-82, 844D-111, 846-11, 846-54, and
20 846E-1, Hawaii Revised Statutes, are amended by substituting the
21 phrase "department of corrections and rehabilitation", or



1 similar term, wherever the phrase "department of public safety",
2 or similar term, appears.

3 (b) Sections 134-2, 321-193.5, 334-74, 346-29, 351-62.5,
4 351-70, 353-1, 353-10, 353-10.5, 353-15, 353-16.5, 353-22.6,
5 353-22.8, 353-32, 353-63, 353-63.5, 353-65, 353-72, 353-101,
6 353-137, 353B-3, 353D-4, 353H-5, 353H-7, 353H-31, 354D-2, 355-4,
7 355-5, 355D-4, 355D-5, 367D-2, 367D-3, 367D-4, 367D-5, 706-656,
8 706-672, 707-731, 707-732, 804-7, 832-23, and 844D-61, Hawaii
9 Revised Statutes, are amendeded by substituting the phrase
10 "director of corrections and rehabilitation", or similar term,
11 wherever the phrase "director of public safety", or similar
12 term, appears, as the context requires.

13 (c) Sections 353-10 and 353-12.5, Hawaii Revised Statutes,
14 are amendded by substituting the phrase "department of
15 corrections and rehabilitation's", or similar term, wherever the
16 phrase "department of public safety's", or similar term,
17 appears, as the context requires.

18 SECTION 30. Section 353C-4.5, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§353C-4.5] Correctional health care program. There is~~
21 ~~established a correctional health care program within the~~



1 ~~department. The administrator of the correctional health care~~
2 ~~program and physicians who provide care to inmates shall be~~
3 ~~appointed by the director without regard to [chapter 76]."~~

4 SECTION 31. Section 353C-7, Hawaii Revised Statutes, is
5 repealed.

6 ~~["§353C-7 Federal reimbursement maximization special fund.~~

7 ~~(a) There is established in the state treasury the federal~~
8 ~~reimbursement maximization special fund, into which shall be~~
9 ~~deposited all federal reimbursements received by the department~~
10 ~~relating to the State Criminal Alien Assistance Program. Unless~~
11 ~~otherwise provided by law, all other receipts shall immediately~~
12 ~~be deposited to the credit of the general fund of the State.~~

13 ~~(b) Moneys in the federal reimbursement maximization~~
14 ~~special fund shall be used by the department for the following~~
15 ~~purposes:~~

16 ~~(1) To meet the state match requirement for federal grants~~
17 ~~and costs associated with federal grant reporting~~
18 ~~requirements, including administrative expenses such~~
19 ~~as the hiring of temporary staff;~~



1 ~~(2) For any other purpose deemed necessary by the~~
2 ~~department for maintaining existing federal grants as~~
3 ~~well as pursuing federal grants;~~
4 ~~(3) To hire consultants to provide training for~~
5 ~~corrections officers;~~
6 ~~(4) To hire consultants to conduct facility or program~~
7 ~~evaluations;~~
8 ~~(5) To rent or purchase vehicles to transport inmates;~~
9 ~~(6) To provide pre-release and reentry programs;~~
10 ~~(7) To improve technology; and~~
11 ~~(8) To recruit and retain corrections workforce.~~
12 ~~(c) The department shall prepare and submit an annual~~
13 ~~report on the status of the federal reimbursement maximization~~
14 ~~special fund to the legislature no later than twenty days before~~
15 ~~the convening of each regular session. The annual report shall~~
16 ~~include but not be limited to a description of the use of the~~
17 ~~funds."]~~

18 SECTION 32. Section 353C-8, Hawaii Revised Statutes, is
19 repealed.

20 ~~["**\$353C-8 Sexual assaults in prison.** (a) The department~~
21 ~~of public safety, to the best of the department's ability, shall~~



~~1 address sexual assault in prison and make every effort to seek~~
~~2 grant moneys from the federal government to implement those~~
~~3 efforts. The department shall place priority upon establishing:~~

~~4 (1) Appropriate counseling services for sexual assault, to~~
~~5 be made available to victims of prison rape within~~
~~6 twenty-four hours of the report of an assault; and~~

~~7 (2) Policies and standards of transparency to achieve a~~
~~8 zero-tolerance policy for sexual assault.~~

~~9 (b) The department of public safety, no later than twenty~~
~~10 days prior to the convening of each regular session, shall~~
~~11 annually report data to the legislature regarding:~~

~~12 (1) Sexual assault by persons in custody against other~~
~~13 persons in custody of the department of public safety;~~

~~14 (2) Sexual assault by correctional staff against persons~~
~~15 in custody of the department of public safety;~~

~~16 (3) Non-criminal sexual misconduct by staff, including~~
~~17 sexual harassment of persons in custody of the~~
~~18 department of public safety;~~

~~19 (4) Criminal cases initiated, and closed by dismissal,~~
~~20 plea, or verdict, for sexual assaults by or upon a~~



1 ~~person in custody of the department of public safety;~~
2 ~~and~~

3 ~~(5) Civil claims filed and closed by dismissal,~~
4 ~~settlement, or verdict for sexual assaults by or upon~~
5 ~~a person in custody of the department of public~~
6 ~~safety.~~

7 ~~(c) The department of public safety shall preserve any~~
8 ~~forensic evidence consisting of human biological specimens for~~
9 ~~collection by the relevant criminal investigation entity or~~
10 ~~coroner, if there is any indication of sexual assault leading to~~
11 ~~the death of any:~~

12 ~~(1) Correctional facility or community correctional center~~
13 ~~employee who dies on the grounds of a correctional~~
14 ~~facility or community correctional center where Hawaii~~
15 ~~inmates reside or who sustains an injury on the~~
16 ~~grounds of a correctional facility or community~~
17 ~~correctional center where Hawaii inmates reside that~~
18 ~~causes the death of the employee; and~~

19 ~~(2) Hawaii inmate who is incarcerated in a state or~~
20 ~~contracted correctional facility."]~~



1 SECTION 33. Section 353C-8.5, Hawaii Revised Statutes, is
2 repealed.

3 ~~["**[§353C-8.5] Correctional facility and community**~~
4 ~~**correctional center deaths; reporting.** (a) Within forty-eight~~
5 ~~hours, the director shall report to the governor, and the~~
6 ~~governor shall report to the legislature, the death of any:~~

7 ~~(1) Correctional facility or community correctional center~~
8 ~~employee who dies on the grounds of a correctional~~
9 ~~facility or community correctional center where Hawaii~~
10 ~~inmates reside or who sustains an injury on the~~
11 ~~grounds of a correctional facility or community~~
12 ~~correctional center where Hawaii inmates reside that~~
13 ~~causes the death of the employee; or~~

14 ~~(2) Hawaii inmate who is incarcerated in a state or~~
15 ~~contracted correctional facility.~~

16 ~~(b) The report in subsection (a) shall include the~~
17 ~~following information:~~

- 18 ~~(1) The name of the decedent;~~
19 ~~(2) The gender and age of the decedent;~~
20 ~~(3) Whether the decedent was an inmate or an employee;~~



~~(4) The location of the death or injury leading to the death;~~

~~(5) The date and time of the death;~~

~~(6) The cause of death; and~~

~~(7) Any indication of sexual assault leading to the death;~~

~~provided that when the official cause of death has been determined, the director shall immediately report the official cause of death to the governor, and the governor shall immediately report the official cause of death to the legislature.~~

~~(c) Within thirty days of a death described in subsection (a), the director shall submit a report to the governor, and the governor shall submit the report to the legislature, of the clinical mortality review conducted in response to the death, including correctional actions to be taken.~~

~~(d) The director shall have the discretion to withhold disclosure of the decedent's name or any information protected from disclosure by state or federal laws."]~~

PART V

SECTION 34. All rights, powers, functions, and duties of the employees of the investigations division of the department



1 of the attorney general performing non-statutorily mandated
2 functions are transferred to the department of law enforcement.

3 SECTION 35. All rights, powers, functions, and duties of
4 the employees of the state office of homeland security are
5 transferred to the department of law enforcement.

6 SECTION 36. All rights, powers, functions, and duties of
7 the employees of the department of transportation performing law
8 enforcement and security functions and related employees are
9 transferred to the department of law enforcement.

10 SECTION 37. Section 26-21, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The department of defense shall be headed by a single
13 executive to be known as the adjutant general. The adjutant
14 general shall also be the director of the Hawaii emergency
15 management agency as established in section 127A-3 [~~and the~~
16 ~~director of homeland security~~].

17 The department shall be responsible for the defense of the
18 State and its people from mass violence, originating from either
19 human or natural causes.

20 The devolution of command of the military forces in the
21 absence of the adjutant general shall be within the military



1 establishment. The devolution of command of the Hawaii
2 emergency management agency in the absence of the adjutant
3 general, as director of the agency, shall be within the agency."

4 SECTION 38. Section 128A-2, Hawaii Revised Statutes, is
5 amended by amending the definition of "director of homeland
6 security" or "director" to read as follows:

7 "~~["Director of homeland security" or "director"]~~ "Director"
8 means the ~~[adjutant general.]~~ director of law enforcement."

9 SECTION 39. Section 128A-3, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) There shall be established within the department of
12 ~~[defense]~~ law enforcement an office of homeland security. The
13 director ~~[of homeland security]~~ shall employ appropriate
14 personnel and make expenditures as may be necessary to carry out
15 this chapter. The director shall appoint an administrator of
16 homeland security who shall be exempt from chapter 76, subject
17 to removal by the director, and receive compensation as the
18 director may determine."

19 SECTION 40. Section 128B-1, Hawaii Revised Statutes, is
20 amended by amending subsections (a) and (b) to read as follows:



1 "(a) There is established the full-time Hawaii
2 cybersecurity, economic, education, and infrastructure security
3 coordinator to oversee cybersecurity and cyber resiliency
4 matters, including cybersecurity, economic, education, and
5 infrastructure security for the State. The coordinator shall be
6 placed within the [~~state~~] department of [~~defense~~] law
7 enforcement.

8 (b) The coordinator shall be selected by the [~~state~~
9 ~~adjutant-general~~] director of law enforcement based on the
10 recommendations of the various agencies, departments, and
11 private entities that will partner with the coordinator."

12 SECTION 41. Section 139-1, Hawaii Revised Statutes, is
13 amended by amending the definition of "law enforcement officer"
14 to read as follows:

15 ""Law enforcement officer" means:

16 (1) A police officer employed by a county police
17 department;

18 (2) [~~A public safety officer employed by the department of~~
19 ~~public safety;~~] An employee of the department of law
20 enforcement conferred with police powers by the
21 director of law enforcement; or



1 (3) An employee of the [~~department of transportation,~~
2 department of land and natural resources, department
3 of taxation, or department of the attorney general who
4 is conferred by law with general police powers."

5 SECTION 42. Section 139-2, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) There is established the law enforcement standards
8 board within the department of the attorney general for
9 administrative purposes only. The purpose of the board shall be
10 to provide programs and standards for training and certification
11 of law enforcement officers. The law enforcement standards
12 board shall consist of the following voting members: [~~nine~~
13 eight ex officio individuals, two law enforcement officers, and
14 four members of the public.

15 (1) The [~~nine~~ eight ex officio members of the board shall
16 consist of the:

17 (A) Attorney general;

18 (B) Director of [~~public safety,~~ law enforcement;

19 [~~(C) Director of transportation or the director's~~
20 ~~designee;~~



- 1 ~~(D)~~ (C) Chairperson of the board of land and natural
2 resources or chairperson's designee;
- 3 ~~(E)~~ (D) Director of taxation or the director's
4 designee; and
- 5 ~~(F)~~ (E) Chiefs of police of the four counties;
- 6 (2) The two law enforcement officers shall each have at
7 least ten years of experience as a law enforcement
8 officer and shall be appointed by the governor; and
- 9 (3) The four members of the public shall consist of one
10 member of the public from each of the four counties
11 and shall be appointed by the governor. At least two
12 of the four members of the public holding a position
13 on the 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, deputy
19 public defender, or private criminal defense
20 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."

SECTION 43. Section 139-7, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"(a) No person shall be appointed or employed as a law
enforcement officer by any county police department, the
department of ~~[public safety, the department of transportation,~~
law enforcement, the department of land and natural resources,
the department of taxation, or the department of the attorney
general, unless the person possesses a valid certification
issued by the board pursuant to section 139-6(b)."

SECTION 44. Section 266-24, Hawaii Revised Statutes, is
amended by amending subsection (a) to read as follows:

"(a) ~~[The director of transportation shall enforce this
chapter and all rules thereunder, except for the rules relative~~



~~to the control and management of the beaches encumbered with easements in favor of the public and ocean waters, which shall be enforced by the department of land and natural resources. For the purpose of the enforcement of this chapter and of all rules adopted pursuant to this chapter, the powers of police officers are conferred upon the director of transportation and any officer, employee, or representative of the department of transportation. Without limiting the generality of the foregoing, the director and any person appointed by the director hereunder may serve and execute warrants, arrest offenders, and serve notices and orders. The director of transportation and any employee, agent, or representative of the department of transportation appointed as enforcement officers by the director, and every]~~ Every state and county officer charged with the enforcement of any law, statute, rule, regulation, ordinance, or order, shall enforce and assist in the enforcement of this chapter and of all rules and orders issued pursuant thereto, and in carrying out the responsibilities hereunder, each shall be specifically authorized to:

- (1) Conduct any enforcement action hereunder in any commercial harbor area and any area over which the



1 department of transportation and the director of
2 transportation has jurisdiction under this 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, serve and execute~~
10 ~~warrants, arrest offenders, and serve]~~ Serve notices
11 and orders.

12 ~~[Any employee appointed as a law enforcement officer by the~~
13 ~~director of transportation pursuant to this section who has been~~
14 ~~qualified by training may use electric guns, as specifically~~
15 ~~provided in section 134-87, when exercising powers of police~~
16 ~~officers and carrying out the responsibilities described herein;~~
17 ~~provided that training for the purposes of this section means a~~
18 ~~course of instruction or training in the use of any electric gun~~
19 ~~that is provided, authorized, or approved by the manufacturer of~~
20 ~~the electric gun before deployment or issuance of electric guns~~
21 ~~and related equipment.~~



1 ~~For purposes of this subsection, "agent" and~~
2 ~~"representative" includes but is not limited to persons~~
3 ~~performing services at harbors or harbor areas under contract~~
4 ~~with the department of transportation.]"~~

5 SECTION 45. Section 291-31.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) No person shall knowingly operate, affix or cause to
8 be affixed, display, or possess any lamp, reflector, or
9 illumination device that appears to be the color blue, or colors
10 blue and red, upon any motor vehicle, motorcycle, motor scooter,
11 bicycle, electric foot scooter, or moped, except for:

12 (1) County law enforcement vehicles authorized and
13 approved by the chief of police of the county in which
14 the vehicle is operated;

15 (2) Department of ~~[public safety]~~ law enforcement vehicles
16 with blue and red lamps, reflectors, or illumination
17 devices authorized and approved by the director of
18 ~~[public safety]~~ law enforcement; or

19 (3) Department of land and natural resources division of
20 conservation and resources enforcement vehicles with
21 blue and red lamps, reflectors, or illumination



1 devices authorized and approved by the chairperson of
2 the board of land and natural resources[~~,- or~~
3 ~~(4) Department of transportation division of harbors law~~
4 ~~enforcement vehicles with blue and red lamps,~~
5 ~~reflectors, or illumination devices authorized and~~
6 ~~approved by the director of transportation].~~

7 This prohibition shall not apply to factory-installed
8 instrument illumination."

9 SECTION 46. Section 291C-1, Hawaii Revised Statutes, is
10 amended by amending the definition of "authorized emergency
11 vehicle" to read as follows:

12 "Authorized emergency vehicle" includes fire department
13 vehicles, police vehicles, ambulances, ocean safety vehicles,
14 [~~public safety~~] law enforcement vehicles, and conservation and
15 resources enforcement vehicles[~~, and department of~~
16 ~~transportation division of harbors law enforcement vehicles~~]
17 authorized and approved pursuant to section 291-31.5 that are
18 publicly owned and other publicly or privately owned vehicles
19 designated as such by a county council."

20 PART VI



1 SECTION 47. All employees who occupy civil service
2 positions and whose functions are transferred by this Act shall
3 retain their civil service status (permanent or temporary).
4 Employees shall be transferred without loss of salary, seniority
5 (except as prescribed by collective bargaining agreements),
6 retention points, prior service credit, any vacation and sick
7 leave credits previously earned, and other rights, benefits, and
8 privileges, in accordance with state personnel laws and this
9 Act; provided that the employees possess the minimum
10 qualifications and public employment requirements for the class
11 or position to which transferred or appointed, as applicable;
12 provided further that subsequent changes in status may be made
13 pursuant to applicable civil service and compensation laws.

14 Any employee who, before this Act, is exempt from civil
15 service and is transferred as a consequence of this Act may
16 continue to retain the employee's exempt status but shall not be
17 appointed to a civil service position because of this Act. An
18 exempt employee who is transferred by this Act shall not suffer
19 any loss of prior service credit, any vacation and sick leave
20 credits previously earned, or other employee benefits or
21 privileges as a consequence of this Act; provided that the



1 employee possesses legal and public employment requirements for
2 the position to which transferred or appointed, as applicable;
3 provided further that subsequent changes in status may be made
4 pursuant to applicable employment and compensation laws. The
5 director of the department to which the employee is transferred
6 may prescribe the duties and qualifications of the employees and
7 fix their salaries without regard to chapter 76, Hawaii Revised
8 Statutes.

9 SECTION 48. All appropriations, records, equipment,
10 machines, files, supplies, contracts, books, papers, documents,
11 maps, and other personal property heretofore made, used,
12 acquired, or held by the department of transportation,
13 department of the attorney general, department of public safety,
14 and department of defense relating to the functions transferred
15 to the department of law enforcement or department of
16 corrections and rehabilitation shall be transferred with the
17 functions to which they relate.

18 SECTION 49. All leases, contracts, loans, agreements,
19 permits, or other documents executed or entered into by or on
20 behalf of the department of transportation, department of public
21 safety, department of the attorney general, and department of



1 defense pursuant to the provisions of the Hawaii Revised
2 Statutes that are reenacted or made applicable to the department
3 of law enforcement or department of corrections and
4 rehabilitation by this Act shall remain in full force and
5 effect. Effective January 1, 2024, every reference to the
6 department of public safety or the director of public safety in
7 those leases, contracts, loans, agreements, permits, or other
8 documents shall be construed as a reference to the department of
9 law enforcement or the director of law enforcement, or the
10 department of corrections and rehabilitation or the director of
11 corrections and rehabilitation, as appropriate. Effective
12 January 1, 2024, every reference to the department of
13 transportation or the director of transportation, the department
14 of the attorney general or the attorney general, or the
15 department of defense or the state adjutant general in those
16 leases, contracts, loans, agreements, permits, or other
17 documents shall be construed as a reference to the department of
18 law enforcement or the director of law enforcement, as
19 applicable.

20 SECTION 50. All rules, policies, procedures, guidelines,
21 and other material adopted or developed by the department of



1 transportation, department of the attorney general, department
2 of public safety, or the department of defense to implement
3 provisions of the Hawaii Revised Statutes that are reenacted or
4 made applicable to the department of law enforcement or the
5 department of corrections and rehabilitation by this Act shall
6 remain in full force and effect until amended or repealed by the
7 department of law enforcement or department of corrections and
8 rehabilitation pursuant to chapter 91, Hawaii Revised Statutes.
9 In the interim, every reference to the department of
10 transportation or director of transportation, department of the
11 attorney general or attorney general, department of defense or
12 state adjutant general, department of public safety or director
13 of public safety, in those rules, policies, procedures,
14 guidelines, and other material is amended to refer to the
15 department of law enforcement or director of law enforcement, or
16 department of corrections and rehabilitation or director of
17 corrections and rehabilitation, as appropriate.

18 SECTION 51. No offense committed and no penalty or
19 forfeiture incurred under the law shall be affected by this Act;
20 provided that whenever any punishment, penalty, or forfeiture is
21 mitigated by any provision of this Act, the provision may be



1 extended and applied to any judgment pronounced after the
2 passage of this Act. No suit or prosecution pending at the time
3 this Act takes effect shall be affected by this Act. The right
4 of any administrative officer whose function is transferred by
5 this Act to the department of law enforcement or department of
6 corrections and rehabilitation as the case may be, to institute
7 proceedings for prosecution for an offense or an action to
8 recover a penalty or forfeiture shall be vested in the director
9 of law enforcement, director of corrections and rehabilitation,
10 or the respective director's designee as may be appropriate.

11 SECTION 52. The right of appeal from administrative
12 actions or determinations as provided by law shall not be
13 impaired by this Act. Except as otherwise provided by this Act,
14 whenever a right of appeal from administrative actions or
15 determinations is provided by law to or from any officer, board,
16 department, bureau, commission, administrative agency, or
17 instrumentality of the State that, or any of the programs of
18 which, is transferred by this Act to the department of law
19 enforcement or department of corrections and rehabilitation, as
20 the case may be, the right of appeal shall lie to or from the
21 department of law enforcement or department of corrections and



1 rehabilitation, as the case may be, when the transfer is made.

2 The right of appeal shall exist to the same extent and in

3 accordance with the applicable procedures that are in effect

4 immediately before the effective date of the applicable part.

5 If the provisions of the preceding paragraph relating to
6 appeals cannot be effected by reason of abolishment, splitting,
7 or shifting of functions or otherwise, the right of appeal shall
8 lie to the circuit court of the State pursuant to the Hawaii
9 rules of civil procedure.

10 SECTION 53. It is the intent of this Act not to jeopardize
11 the receipt of any federal aid nor to impair the obligation of
12 the State or any agency thereof to the holders of any bond
13 issued by the State or by any agency, and to the extent, and
14 only to the extent, necessary to effectuate this intent, the
15 governor may modify the strict provisions of this Act, but shall
16 promptly report any modifications with the reasons therefor to
17 the legislature at its next session thereafter for review by the
18 legislature.

19 SECTION 54. The revisor of statutes may incorporate into
20 the Hawaii Revised Statutes, any of the provisions contained in
21 this Act. The revisor of statutes shall substitute the



1 appropriate department of corrections and rehabilitation or
2 department of law enforcement reference in all existing statutes
3 where a department, board, commission, agency, program, or
4 organizational segment is transferred to the department of
5 corrections and rehabilitation or department of law enforcement
6 if such existing statutory language has not been amended by this
7 Act.

8 SECTION 55. All laws and parts of laws heretofore enacted
9 that are in conflict with the provisions of this Act are hereby
10 amended to conform herewith. All Acts passed during this
11 regular session of 2022, whether enacted before or after the
12 passage of this Act, shall be amended to conform to this Act,
13 unless the Acts specifically provide that the Act relating to a
14 "department of public safety" are being amended. Amendments
15 made to sections of the Hawaii Revised Statutes that are amended
16 by this Act as of a future effective date shall include
17 amendments made after the approval of this Act and before the
18 effective date of the amendments made by this Act, to the extent
19 that the intervening amendments may be harmonized with the
20 amendments made by this Act.



1 PART VII

2 SECTION 56. The following positions are established within
3 the department of law enforcement:

- 4 (1) One full-time equivalent (1.0 FTE) permanent director
5 position;
- 6 (2) Two full-time equivalent (2.0 FTE) permanent deputy
7 director positions;
- 8 (3) Three full-time equivalent (3.0 FTE) permanent private
9 secretary positions;
- 10 (4) One full-time equivalent (1.0 FTE) permanent special
11 assistant position;
- 12 (5) One full-time equivalent (1.0 FTE) permanent
13 administrative services officer position;
- 14 (6) One full-time equivalent (1.0 FTE) permanent human
15 resources officer position;
- 16 (7) One full-time equivalent (1.0 FTE) permanent planner
17 position;
- 18 (8) Eight full-time equivalent (8.0 FTE) permanent
19 administrative services and accounting positions;
- 20 (9) Nine full-time equivalent (9.0 FTE) permanent
21 information services and technology positions;



- 1 (10) Four full-time equivalent (4.0 FTE) permanent internal
2 support services positions;
- 3 (11) Eight full-time equivalent (8.0 FTE) permanent human
4 resources positions;
- 5 (12) Two full-time equivalent (2.0 FTE) permanent capital
6 improvement project coordinator positions;
- 7 (13) Four full-time equivalent (4.0 FTE) permanent
8 litigation coordination positions;
- 9 (14) Nine full-time equivalent (9.0 FTE) permanent training
10 and staffing development positions;
- 11 (15) Six full-time equivalent (6.0 FTE) permanent
12 supervisory deputy sheriff positions;
- 13 (16) Five full-time equivalent (5.0 FTE) permanent office
14 of homeland security investigator positions;
- 15 (17) Four full-time equivalent (4.0 FTE) permanent civil
16 rights compliance positions; and
- 17 (18) One full-time equivalent (1.0 FTE) permanent public
18 information officer position.

19 SECTION 57. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$900,000 or so much
21 thereof as may be necessary for fiscal year 2022-2023 for the



1 hiring and filling of the following positions within the
2 department of law enforcement:

- 3 (1) One full-time equivalent (1.0 FTE) permanent director
4 position;
5 (2) One full-time equivalent (1.0 FTE) permanent deputy
6 director position;
7 (3) Two full-time equivalent (2.0 FTE) permanent private
8 secretary positions;
9 (4) One full-time equivalent (1.0 FTE) permanent
10 administrative services officer position; and
11 (5) One full-time equivalent (1.0 FTE) permanent human
12 resources officer position.

13 The sum appropriated shall be expended by the department of
14 law enforcement for the purposes of this section.

15 SECTION 58. The department of law enforcement shall report
16 to the legislature no later than twenty days prior to the
17 convening of the regular session of 2023, the progress made in
18 preparing for the transfer of law enforcement functions to the
19 department on January 1, 2024.

20 PART VIII



1 SECTION 59. The following positions are established within
2 the department of corrections and rehabilitation:

3 (1) One full-time equivalent (1.0 FTE) permanent
4 investigator VI position;

5 (2) Three full-time equivalent (3.0 FTE) permanent
6 investigator V positions;

7 (3) One full-time equivalent (1.0 FTE) permanent secretary
8 I position; and

9 (4) Three full-time equivalent (3.0 FTE) permanent adult
10 correctional office 08 (CO-08) sergeant positions.

11 PART IX

12 SECTION 60. In codifying the new sections added by section
13 18 and referenced in sections 27 and 28 of this Act, the revisor
14 of statutes shall substitute appropriate section numbers for the
15 letters used in designating the new sections in this Act.

16 SECTION 61. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 62. This Act shall take effect upon its approval;
19 provided that:

20 (1) Parts III, IV, V, and VIII shall take effect on
21 January 1, 2024;



- 1 (2) Part VII shall take effect on July 1, 2022; and
- 2 (3) The amendments made to section 26-52, Hawaii Revised
- 3 Statutes, by sections 4 and 22 of this Act shall not
- 4 be repealed when that section is reenacted on June 30,
- 5 2024, pursuant to section 4 of Act 90, Session Laws of
- 6 Hawaii 2014.



H.B. NO. 2171 H.D. 2 S.D. 1 C.D. 1

Report Title:

Law Enforcement; Corrections and Rehabilitation; Training Center; DPS; DOT; AG; Office of Homeland Security; Appropriation

Description:

Establishes a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State effective upon approval and reestablishes the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population effective 1/1/2024. Transfers the law enforcement functions of the Department of Public Safety to the Department of Law Enforcement effective 1/1/2024, and the law enforcement functions of the Department of Transportation, the non-statutorily mandated functions of the investigations division of the Department of the Attorney General, and the Office of Homeland Security to the Department of Law Enforcement effective 1/1/2024. Establishes a training center and also establishes a law enforcement complex for the department of law enforcement. Establishes positions and appropriates funds. (CD1)

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

