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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

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

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



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

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

15 Such evaluation should include consideration of the study  
16 conducted by the legislative reference bureau pursuant to Act  
17 124, Session Laws of Hawaii 2018, and any additional study  
18 necessary to determine the impact of uniform standards,  
19 certification, and training for all law enforcement.

20 The board has determined that it will need significantly more  
21 time and funds to accomplish its mission.



1 The purpose of this Act is to:

2 (1) Clarify membership requirements for the law  
3 enforcement standards board to facilitate  
4 participation and representation;

5 (2) Require the board to consider studies relevant to its  
6 objectives and conduct its own study to evaluate how  
7 to satisfy its duties;

8 (3) Establish new deadlines for the completion of the  
9 board's significant responsibilities; and

10 (4) Appropriate funds to enable the board to accomplish  
11 its mission.

12 SECTION 2. Section 76-16, Hawaii Revised Statutes, is  
13 amended by amending subsection (b) to read as follows:

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

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



- 1 be filled from those commissioned or enlisted  
2 personnel;
- 3 (2) Positions filled by persons employed by contract where  
4 the director of human resources development has  
5 certified that the service is special or unique or is  
6 essential to the public interest and that, because of  
7 circumstances surrounding its fulfillment, personnel  
8 to perform the service cannot be obtained through  
9 normal civil service recruitment procedures. Any such  
10 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply  
12 with a court order or decree if the director  
13 determines that recruitment through normal recruitment  
14 civil service procedures would result in delay or  
15 noncompliance, such as the Felix-Cayetano consent  
16 decree;
- 17 (4) Positions filled by the legislature or by either house  
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of  
20 the lieutenant governor, and household employees at  
21 Washington Place;



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



1 clerks for the civil administrative judge of the  
2 circuit court of the first circuit, two additional law  
3 clerks for the criminal administrative judge of the  
4 circuit court of the first circuit, one additional law  
5 clerk for the senior judge of the family court of the  
6 first circuit, two additional law clerks for the civil  
7 motions judge of the circuit court of the first  
8 circuit, two additional law clerks for the criminal  
9 motions judge of the circuit court of the first  
10 circuit, and two law clerks for the administrative  
11 judge of the district court of the first circuit; and  
12 one private secretary for the administrative director  
13 of the courts, the deputy administrative director of  
14 the courts, each department head, each deputy or first  
15 assistant, and each additional deputy, or assistant  
16 deputy, or assistant defined in paragraph (16);  
17 (10) First deputy and deputy attorneys general, the  
18 administrative services manager of the department of  
19 the attorney general, one secretary for the  
20 administrative services manager, an administrator and  
21 any support staff for the criminal and juvenile



1 justice resources coordination functions, and law  
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex  
4 area superintendents, deputy and assistant  
5 superintendents, other certificated personnel,  
6 not more than twenty noncertificated  
7 administrative, professional, and technical  
8 personnel not engaged in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,  
10 educational assistants, bilingual/bicultural  
11 school-home assistants, school psychologists,  
12 psychological examiners, speech pathologists,  
13 athletic health care trainers, alternative school  
14 work study assistants, alternative school  
15 educational/supportive services specialists,  
16 alternative school project coordinators, and  
17 communications aides in the department of  
18 education;

19 (C) The special assistant to the state librarian and  
20 one secretary for the special assistant to the  
21 state librarian; and



- 1 (D) Members of the faculty of the University of  
2 Hawaii, including research workers, extension  
3 agents, personnel engaged in instructional work,  
4 and administrative, professional, and technical  
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or  
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state  
9 institutions, persons with severe physical or  
10 mental disabilities participating in the work  
11 experience training programs;
- 12 (B) Positions filled with students in accordance with  
13 guidelines for established state employment  
14 programs; and
- 15 (C) Positions that provide work experience training  
16 or temporary public service employment that are  
17 filled by persons entering the workforce or  
18 persons transitioning into other careers under  
19 programs such as the federal Workforce Investment  
20 Act of 1998, as amended, or the Senior Community  
21 Service Employment Program of the Employment and





1 Training Administration of the United States  
2 Department of Labor, or under other similar state  
3 programs;

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

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

13 (16) Positions of first deputies or first assistants of  
14 each department head appointed under or in the manner  
15 provided in section 6, article V, of the Hawaii State  
16 Constitution; three additional deputies or assistants  
17 either in charge of the highways, harbors, and  
18 airports divisions or other functions within the  
19 department of transportation as may be assigned by the  
20 director of transportation, with the approval of the  
21 governor; four additional deputies in the department



1 of health, each in charge of one of the following:  
2 behavioral health, environmental health, hospitals,  
3 and health resources administration, including other  
4 functions within the department as may be assigned by  
5 the director of health, with the approval of the  
6 governor; an administrative assistant to the state  
7 librarian; and an administrative assistant to the  
8 superintendent of education;

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

11 (A) Any exemption created after July 1, 2014, shall  
12 expire three years after its enactment unless  
13 affirmatively extended by an act of the  
14 legislature; and

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

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



- 1 (19) Household employees at the official residence of the  
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in  
4 the supervision of students during meal periods in the  
5 distribution, collection, and counting of meal  
6 tickets, and in the cleaning of classrooms after  
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the  
9 Hawaii public housing authority; provided that not  
10 more than twenty-six per cent of the authority's  
11 workforce in any housing project maintained or  
12 operated by the authority shall be hired under the  
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and  
15 nutrition program of the University of Hawaii that  
16 require the hiring of nutrition program assistants who  
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities  
19 who are certified by the state vocational  
20 rehabilitation office that they are able to perform  
21 safely the duties of the positions;



- 1       (24) The sheriff;
- 2       (25) A gender and other fairness coordinator hired by the
- 3             judiciary;
- 4       (26) Positions in the Hawaii National Guard youth and adult
- 5             education programs;
- 6       (27) In the state energy office in the department of
- 7             business, economic development, and tourism, all
- 8             energy program managers, energy program specialists,
- 9             energy program assistants, and energy analysts;
- 10       (28) Administrative appeals hearing officers in the
- 11            department of human services;
- 12       (29) In the Med-QUEST division of the department of human
- 13            services, the division administrator, finance officer,
- 14            health care services branch administrator, medical
- 15            director, and clinical standards administrator;
- 16       (30) In the director's office of the department of human
- 17            services, the enterprise officer, information security
- 18            and privacy compliance officer, security and privacy
- 19            compliance engineer, and security and privacy
- 20            compliance analyst;



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

3 (32) In the Hawaii emergency management agency, the  
4 executive officer, public information officer, civil  
5 defense administrative officer, branch chiefs, and  
6 emergency operations center state warning point  
7 personnel; provided that, for state warning point  
8 personnel, the director shall determine that  
9 recruitment through normal civil service recruitment  
10 procedures would result in delay or noncompliance;

11 [~~and~~]

12 [+](33)[+] The executive director and seven full-time  
13 administrative positions of the school facilities  
14 authority[-]; and

15 (34) The administrator for the law enforcement standards  
16 board.

17 The director shall determine the applicability of this  
18 section to specific positions.

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



1 SECTION 3. Section 139-2, Hawaii Revised Statutes, is  
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) There is established the law enforcement standards  
4 board within the department of the attorney general for  
5 administrative purposes only. The purpose of the board shall be  
6 to provide programs and standards for training and certification  
7 of law enforcement officers. The law enforcement standards  
8 board shall consist of the following voting members: nine ex  
9 officio individuals [~~7~~ ~~two~~] or their designees, five law  
10 enforcement officers, and four members of the public.

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

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

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

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

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



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

2 and

3 (F) Chiefs of police of the four counties[+] or their  
4 respective designees;

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

9 (A) One county law enforcement officer from each of  
10 the four counties; and

11 (B) One state law enforcement officer.

12 Each law enforcement officer described in this  
13 paragraph shall have at least ten years of experience  
14 as a law enforcement officer [and], shall be appointed  
15 by the governor[+], and, notwithstanding section 26-  
16 34, shall serve without the advice and consent of the  
17 senate; and

18 (3) The [~~four members of the~~] public members shall consist  
19 of one member [~~of the public~~] from each of the four  
20 counties [~~and~~], each of whom shall be appointed by the  
21 governor[-], and, notwithstanding section 26-34, shall



1 serve without the advice and consent of the senate.

2 At least two of the four members of the public holding  
3 a position on the board at any given time shall:

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

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

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

11 (ii) Litigating constitutional law issues in  
12 Hawaii;

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

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

19 (b) The law enforcement officers and the members of the  
20 public on the board shall serve for a term of [~~three~~] four





1 years, provided that the initial terms shall be staggered, as  
2 determined by the governor."

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

5 "**§139-3 Powers and duties of the board.** The board shall:

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



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



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

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

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



- 1 (1) Has satisfactorily completed a basic program of law
- 2 enforcement training approved by the board; and
- 3 (2) Possesses other qualifications as prescribed by the
- 4 board for the employment of law enforcement officers,
- 5 including minimum age, education, physical and mental
- 6 standards, citizenship, good conduct, moral character,
- 7 and experience.

8 (b) [~~The~~] Beginning on July 1, 2023, the board shall issue  
 9 a certification to an applicant who meets the requirements of  
 10 subsection (a) or who has satisfactorily completed a program or  
 11 course of instruction in another jurisdiction that the board  
 12 deems to be equivalent in content and quality to the  
 13 requirements of subsection (a)."

14 SECTION 6. Section 139-7, Hawaii Revised Statutes, is  
 15 amended to read as follows:

16 "~~§~~139-7 **Employment of law enforcement officers.** (a)  
 17 No person shall be appointed or employed as a law enforcement  
 18 officer by any county police department, the department of  
 19 public safety, the department of transportation, the department  
 20 of land and natural resources, the department of taxation, or  
 21 the department of the attorney general, after June 30, 2023,



1 unless the person possesses a valid certification issued by the  
2 board pursuant to section 139-6(b).

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

4 (1) Employed on a probationary basis, except that  
5 employment on a probationary basis may not exceed the  
6 period authorized for probationary employment as  
7 determined by the board[~~+~~]; or

8 (2) Who entered into employment with the applicable county  
9 police department or state department before July 1,  
10 2023, and termination of employment would violate any  
11 valid collective bargaining agreement."

12 SECTION 7. Act 220, Session Laws of Hawaii 2018, as  
13 amended by section 5 of Act 47, Session Laws of Hawaii 2020, is  
14 amended by amending section 6 to read as follows:

15 "SECTION 6. This Act shall take effect on July 1, 2018[~~+~~  
16 ~~provided that the law enforcement standards board established~~  
17 ~~under this Act shall finalize its standards and certification~~  
18 ~~process by December 31, 2021]."~~

19 SECTION 8. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2022-2023 for  
2 deposit into the law enforcement standards board special fund.

3 SECTION 9. There is appropriated out of the law  
4 enforcement standards board special fund the sum of \$  
5 or so much thereof as may be necessary for the fiscal year 2022-  
6 2023 for:

7 (1) full-time equivalent ( FTE)  
8 permanent administrator position exempt from chapter  
9 76, Hawaii Revised Statutes, and full-time  
10 equivalent ( FTE) permanent clerical  
11 position subject to chapter 76, Hawaii Revised  
12 Statutes; and

13 (2) Copying and supply costs of the law enforcement  
14 standards board.

15 The sum appropriated shall be expended by the department of  
16 the attorney general, on behalf of the law enforcement standards  
17 board.

18 SECTION 10. This Act does not affect rights and duties  
19 that matured, penalties that were incurred, and proceedings that  
20 were begun, before the effective date of this Act.



1 SECTION 11. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 12. This Act shall take effect on July 1, 2050.

4



**Report Title:**

Law Enforcement Standards Board; Appropriation

**Description:**

Clarifies membership and certain powers and duties of the law enforcement standards board. Establishes new deadlines for the completion of board responsibilities. Appropriates funds to enable the board to accomplish its mission. Effective 7/1/2050. (HD2)

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

