
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 PART I

2 SECTION 1. The legislature finds that corrections and
3 certain law enforcement functions and activities are currently
4 placed within the department of public safety. The legislature
5 further finds that the goals and functions of corrections and
6 law enforcement are different and distinct, and separating the
7 functions of corrections and law enforcement from the department
8 of public safety into two departments would best accomplish the
9 discrete goals and objectives of both functions.

10 The legislature further finds that state law enforcement
11 personnel and functions are currently spread across various
12 departments. The department of public safety, department of
13 transportation, and department of the attorney general all have
14 independent law enforcement officers and different law
15 enforcement duties. Because each department administers its own
16 law enforcement duties, goals, and functions, training and
17 operational standards differ between each department.



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

11 The goals of the department of law enforcement would
12 include:

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



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

4 This Act also establishes a training center within the
5 department of law enforcement to provide all state law
6 enforcement personnel the highest level of core and continuing
7 education and training. The training center will also be made
8 available to federal and county law enforcement agencies. The
9 development of a state law enforcement training center, where
10 all state law enforcement officers who intend to work on any
11 island of Hawaii must be certified, will ensure that all state
12 law enforcement officers meet the standards set by the law
13 enforcement standards board established in chapter 139, Hawaii
14 Revised Statutes. The center will also ensure that the
15 individuals who earn its certification have received the highest
16 level of core and continuing education and training. The
17 center's curriculum will be designed to ensure that the
18 individuals trained there have the knowledge and skills to
19 protect and serve the public and will be held accountable if
20 they do not uphold the standards set by the law enforcement
21 standards board.



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

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



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

9 The purpose of this Act is to:

- 10 (1) Establish a new department of law enforcement to
11 consolidate and administer the criminal law
12 enforcement and investigations functions of the
13 department of transportation, certain investigations
14 functions of the department of the attorney general,
15 functions of the office of homeland security, and
16 current law enforcement and investigations functions
17 of the department of public safety; and
- 18 (2) Rename the department of public safety as the
19 department of corrections and rehabilitation, which
20 will administer the corrections, rehabilitation,



1 reentry, and related functions currently assigned to
2 the department of public safety.

3 PART II

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

7 "S26- Department of law enforcement. (a) The
8 department of law enforcement shall be headed by a single
9 executive to be known as the director of law enforcement.

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

17 (c) The department of law enforcement shall be responsible
18 for the:

19 (1) Formulation and implementation of state policies and
20 objectives for security, law enforcement, and public
21 safety programs and functions;



- 1 (2) Service of process; and
- 2 (3) Security of state buildings."

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

5 "**§26-4 Structure of government.** Under the supervision of
 6 the governor, all executive and administrative offices,
 7 departments, and instrumentalities of the state government and
 8 their respective functions, powers, and duties shall be
 9 allocated among and within the following principal departments
 10 that are hereby established:

- 11 (1) Department of human resources development (Section
 12 26-5)
- 13 (2) Department of accounting and general services (Section
 14 26-6)
- 15 (3) Department of the attorney general (Section 26-7)
- 16 (4) Department of budget and finance (Section 26-8)
- 17 (5) Department of commerce and consumer affairs (Section
 18 26-9)
- 19 (6) Department of taxation (Section 26-10)
- 20 (7) University of Hawaii (Section 26-11)
- 21 (8) Department of education (Section 26-12)



- 1 (9) Department of health (Section 26-13)
- 2 (10) Department of human services (Section 26-14)
- 3 (11) Department of land and natural resources (Section
- 4 26-15)
- 5 (12) Department of agriculture (Section 26-16)
- 6 (13) Department of Hawaiian home lands (Section 26-17)
- 7 (14) Department of business, economic development, and
- 8 tourism (Section 26-18)
- 9 (15) Department of transportation (Section 26-19)
- 10 (16) Department of labor and industrial relations (Section
- 11 26-20)
- 12 (17) Department of defense (Section 26-21)
- 13 (18) Department of [~~public safety~~] corrections and
- 14 rehabilitation (Section 26-14.6) [-]
- 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, corrections and rehabilitation, Hawaiian home
16 lands, health, human resources development, human
17 services, labor and industrial relations, land and
18 natural resources, [~~public safety~~,] law enforcement,
19 taxation, and transportation shall be as last
20 recommended by the executive salary commission.
21 Effective July 1, 2007, and every six years



1 thereafter, the salaries shall be as last recommended
2 by the commission on salaries pursuant to section
3 26-56, unless rejected by the 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; three additional
14 deputies each in charge of the correctional
15 institutions, rehabilitation services and programs,
16 and administration or other functions within the
17 department of corrections and rehabilitation as may be
18 assigned by the director of corrections and
19 rehabilitation, with the approval of the governor; an
20 administrative assistant to the state librarian; and



- 1 an administrative assistant to the superintendent of
2 education;
- 3 (17) Positions specifically exempted from this part by any
4 other law; provided that:
- 5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and
- 9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;
- 12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;
- 16 (19) Household employees at the official residence of the
17 president of the University of Hawaii;
- 18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that not
5 more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, and security and privacy
15 compliance analyst;
- 16 (31) The Alzheimer's disease and related dementia services
17 coordinator in the executive office on aging;
- 18 (32) In the Hawaii emergency management agency, the
19 executive officer, public information officer, civil
20 defense administrative officer, branch chiefs, and
21 emergency operations center state warning point



1 personnel; provided that, for state warning point
 2 personnel, the director shall determine that
 3 recruitment through normal civil service recruitment
 4 procedures would result in delay or noncompliance; and
 5 [†](33)[†] The executive director and seven full-time
 6 administrative positions of the school facilities
 7 authority.

8 The director shall determine the applicability of this
 9 section to specific positions.

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

12 PART III

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



1 positions of director of corrections and rehabilitation, deputy
2 director for correctional institutions, deputy director for
3 rehabilitation services and programs, and deputy director for
4 administration, respectively, within the department of
5 corrections and rehabilitation established in part IV of this
6 Act.

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

10 "§353C- Statewide law enforcement training center.

11 There is established within the department a statewide law
12 enforcement training center. The center shall be responsible
13 for training and administering the certification requirements of
14 all state law enforcement personnel who exercise police powers
15 in any county. Training shall conform to uniform statewide
16 standards set by the law enforcement standards board pursuant to
17 chapter 139. The center shall operate and maintain such
18 facilities as are necessary to conduct training and
19 certification under this section."



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

4 "[~~Public safety~~] Law enforcement investigations staff
5 investigators": those employees in the investigations staff
6 office of the department of [~~public safety~~] law enforcement who
7 have been conferred police powers by the director of [~~public
8 safety~~] law enforcement in accordance with section 353C-4 and
9 are in the positions of investigator I to VII."

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

13 "Law enforcement officer" means:

- 14 (1) A police officer employed by a county police
15 department;
- 16 (2) [~~A public safety officer employed by the department of
17 public safety;~~] An employee of the department of law
18 enforcement conferred with police powers by the
19 director of law enforcement; or
- 20 (3) An employee of the [~~department of transportation;~~]
21 department of land and natural resources, department



1 of taxation, or department of the attorney general who
2 is conferred by law with general police powers."

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

5 "CHAPTER 353C

6 ~~[PUBLIC SAFETY]~~ LAW ENFORCEMENT"

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

9 "~~§353C-2 Director of [public safety,]~~ law enforcement;
10 powers and duties. [~~+(a)+~~] The director of [~~public safety~~] law
11 enforcement shall administer the public safety programs of the
12 department [~~of public safety~~] and shall be responsible for the
13 formulation and implementation of [~~state~~] goals and objectives
14 for [~~correctional and~~] state law enforcement programs[~~-~~
15 ~~including ensuring that correctional facilities and correctional~~
16 ~~services meet the present and future needs of persons committed~~
17 ~~to the correctional facilities.] and homeland security. In the
18 administration of these programs, the director may:~~

19 (1) Preserve the public peace, prevent crime, detect and
20 arrest offenders against the law, protect the rights
21 of persons and property, and enforce and prevent



1 violation of all laws and administrative rules of the
2 State as the director deems to be necessary or
3 desirable or upon request, to assist other state
4 officers or agencies that have primary administrative
5 responsibility over specific subject matters or
6 programs;

7 (2) Train, equip, maintain, and supervise the force of
8 ~~[public safety officers, including]~~ law enforcement
9 ~~[and correctional personnel,]~~ officers and other
10 employees of the department;

11 (3) Serve process both in civil and criminal proceedings;

12 (4) Perform other duties as may be required by law;

13 (5) Adopt, pursuant to chapter 91, rules that are
14 necessary or desirable for the administration of
15 ~~[public safety]~~ state law enforcement programs; and

16 (6) Enter into contracts ~~[in]~~ on behalf of the department
17 and take all actions deemed necessary and appropriate
18 for the proper and efficient administration of the
19 department.

20 ~~[(b)] The department of public safety shall report to the~~
21 ~~legislature not later than twenty days prior to the commencement~~



1 ~~of the 2008 regular session, and every session thereafter, with~~
2 ~~its achievements, continuing improvements, and ongoing problems~~
3 ~~in providing the appropriate mental health care to committed~~
4 ~~persons under its jurisdiction.]"~~

5 SECTION 12. Section 353C-3, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "[+]§353C-3[+] **Deputy directors; appointment.** The
8 director shall appoint, without regard to chapter 76, [three]
9 two deputy directors to serve at the director's pleasure.
10 Unless otherwise assigned by the director, one deputy director
11 shall oversee the [~~correctional programs and facilities of the~~
12 ~~department, one deputy director shall oversee the~~] law
13 enforcement programs of the department[,-] and one deputy
14 director shall oversee administration of the department."

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

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

18 "(a) The director may appoint employees to be [public
19 safety] state law enforcement officers who shall have all of the
20 powers of police officers; provided that the director may
21 establish and assign the employees to positions or categories of



1 positions that may have differing titles, specific duties, and
2 limitations upon the exercise of police powers."

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

4 "(c) The duties of state law enforcement officers
5 ~~[transferred from the department of the attorney general by Act~~
6 ~~211, Session Laws of Hawaii 1989,]~~ shall ~~[be responsible for]~~
7 include conducting law enforcement operations and investigations
8 throughout the State and maintaining public safety in state
9 buildings as well as the personal protection of government
10 officials and employees while in the conduct of their duties.
11 The duties of state law enforcement officers shall also include
12 the service of process, including subpoenas, warrants, and other
13 legal documents, and other duties as the director may assign~~[,~~
14 ~~including the performance of duties of other public safety~~
15 ~~officers within the department]~~. State law enforcement officers
16 shall have all of the powers of police officers, including the
17 power of arrest. This section does not relieve, nor does it
18 diminish, any authority or responsibility of county police
19 officers to enforce laws or to maintain public safety on state
20 lands, in state buildings, or in their respective counties."



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

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

8 (b) For purposes of this section:

9 "Prospective staff member" means any applicant for a job in
10 the department [~~of public safety that is directly involved with~~
11 ~~the treatment and care of persons committed to a facility or~~
12 ~~that requires~~] that involves the exercise of police powers[-]
13 conferred by the director, including the power to arrest [~~in the~~
14 ~~performance of its duties~~].

15 "Staff member" means any employee of the department [~~of~~
16 ~~public safety who is directly involved with the treatment and~~
17 ~~care of persons committed to a facility or~~] who possesses police
18 powers[-] conferred by the director, including the power of
19 arrest.

20 (c) The department shall obtain criminal history record
21 information through the Hawaii criminal justice data center in



1 accordance with section 846-2.7, on all staff members and
2 prospective staff members of the department of [~~public safety.~~]
3 law enforcement. Prospective staff members shall be
4 fingerprinted and the criminal history record check shall be
5 completed prior to beginning employment."

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

8 "[+]§353C-6[+] **Parking fees, exemption.** Notwithstanding
9 any other law, rule, or provision to the contrary, [~~special~~
10 ~~service deputies~~] law enforcement officers of the department [~~of~~
11 ~~public safety~~] are exempt from all state and county parking
12 meter fees and county time parking restrictions while in the
13 performance of their official duties, including attendance at
14 court; provided that this exemption shall:

- 15 (1) Apply exclusively to state owned law enforcement
16 vehicles assigned to the department [~~of public~~
17 ~~safety~~]; and
18 (2) Not apply to private individuals retained by the
19 department on a contractual basis to serve civil
20 process in any capacity."



1 SECTION 16. Chapter 329, and sections 78-52, 134-81,
2 200-27, 334D-5, 350-1.1, 353C-1, 603-29, 604-6.2, 607-4, 607-8,
3 633-8, 634-11, 634-12, 634-22, 634-29, 651-1, 652-1.5, 652-2,
4 652-2.5, 652-2.6, 654-2, 666-11, 666-21, and 844D-38, Hawaii
5 Revised Statutes, are amended by substituting the word "law
6 enforcement", or similar term, wherever the word "public
7 safety", or similar term, appears, by substituting the word
8 "department of law enforcement", or similar term, wherever the
9 word "department of public safety", or similar term, appears,
10 and by substituting the word "director of law enforcement", or
11 similar term, wherever the word "director of public safety", or
12 similar term, appears, as the context requires.

13 PART IV

14 SECTION 17. Chapter 353, Hawaii Revised Statutes, is
15 amended by adding seven new sections to part I to be
16 appropriately designated and to read as follows:

17 "§353-A Director of corrections and rehabilitation; powers
18 and duties. The director shall be responsible for the
19 formulation and implementation of state goals and objectives for
20 correctional programs, including ensuring that correctional
21 facilities and correctional services meet the present and future



1 needs of persons committed to the correctional facilities. In
2 the administration of these programs, the director may:

3 (1) Train, equip, maintain, and supervise correctional
4 personnel and other employees of the department;

5 (2) Perform other duties as may be required by law;

6 (3) Adopt, pursuant to chapter 91, rules that are
7 necessary or desirable for the administration of
8 corrections; and

9 (4) Enter into contracts on behalf of the department and
10 take all actions deemed necessary and appropriate for
11 the proper and efficient administration of the
12 department, including contracts for the custody and
13 care of Hawaii inmates housed outside of the State.

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



1 department, and one deputy director shall oversee administration
2 of the department.

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

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

13 (b) For purposes of this section:

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

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

20 (c) The department shall obtain criminal history record
21 information through the Hawaii criminal justice data center in



1 accordance with section 846-2.7, on all staff members and
2 prospective staff members of the department. Prospective staff
3 members shall be fingerprinted and the criminal history record
4 check shall be completed prior to beginning employment.

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

13 (e) Staff members shall not be subject to termination
14 based on findings in their criminal records except for those
15 whose conviction of a crime occurred after May 8, 1989, or under
16 circumstances in which a staff member is a fugitive from
17 justice. Staff members shall be subject to termination for
18 crimes other than a minor traffic violation involving a fine of
19 \$50 or less, where, because of the staff member's conviction
20 record, the staff member poses a risk to the health, safety,



1 security, or well-being of inmates under supervision and
2 confinement, other staff, or the public at large.

3 **§353-E Federal reimbursement maximization special fund.**

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

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

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

17 (2) For any other purpose deemed necessary by the
18 department for pursuing federal grants or maintaining
19 existing federal grants;

20 (3) To hire consultants to provide training for
21 corrections officers;



- 1 (4) To hire consultants to conduct facility or program
2 evaluations;
- 3 (5) To rent or purchase vehicles to transport inmates;
4 (6) To provide pre-release and reentry programs;
5 (7) To improve technology; and
6 (8) To recruit and retain corrections workforce.
- 7 (c) The department shall prepare and submit an annual
8 report on the status of the federal reimbursement maximization
9 special fund to the legislature no later than twenty days prior
10 to the convening of each regular session. The annual report
11 shall include a description of the use of the funds.

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

- 17 (1) Appropriate counseling services for sexual assault, to
18 be made available to victims of prison rape within
19 twenty-four hours of the report of an assault; and
20 (2) Policies and standards of transparency to achieve a
21 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 (1) Correctional facility or community correctional center
2 employee who:

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

6 (B) Sustains an injury on the grounds of a
7 correctional facility or community correctional
8 center where Hawaii inmates reside that causes
9 the death of the employee; and

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

12 §353-G Correctional facility and community correctional
13 center deaths; reporting. (a) Within forty-eight hours, the
14 director shall report to the governor, and the governor shall
15 report to the legislature, the death of any:

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

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



1 (B) Sustains an injury on the grounds of a
2 correctional facility or community correctional
3 center where Hawaii inmates reside that causes
4 the death of the employee; or

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

7 (b) The report in subsection (a) shall include the
8 following information:

9 (1) The gender and age of the decedent;

10 (2) Whether the decedent was an inmate or an employee;

11 (3) The location of the death or injury leading to the
12 death;

13 (4) The date and time of the death;

14 (5) The cause of death; and

15 (6) Any indication of sexual assault leading to the death;

16 provided that when the official cause of death has been

17 determined, the director shall immediately report the official

18 cause of death to the governor, and the governor shall

19 immediately report the official cause of death to the

20 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 the decedent's name or other
7 information not specified in subsection (b); provided that the
8 director shall not disclose information protected from
9 disclosure by state or federal law."

10 SECTION 18. Section 26-14.6, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§26-14.6 Department of [public safety] corrections and**
13 **rehabilitation.** (a) The department of [public safety]
14 corrections and rehabilitation shall be headed by a single
15 executive to be known as the director of [public safety]
16 corrections and rehabilitation.

17 (b) The department of [public safety] corrections and
18 rehabilitation shall be responsible for the formulation and
19 implementation of state policies and objectives for the
20 correctional [security, law enforcement, and public safety
21 programs and functions,] system statewide and for the



1 administration and maintenance of all public or private
2 correctional facilities and services [~~for the service of~~
3 ~~process, and for the security of state buildings~~].

4 (c) Effective July 1, 1990, the Hawaii paroling authority
5 and the crime victim compensation commission are placed within
6 the department of public safety for administrative purposes
7 only~~[-]~~, and, effective July 1, 2023, are placed within the
8 department of corrections and rehabilitation for administrative
9 purposes only.

10 (d) Effective July 1, 1990, the functions and authority
11 heretofore exercised by:

- 12 (1) The department of corrections relating to adult
13 corrections and the intake service centers;
- 14 (2) The judiciary relating to the sheriff's office and
15 judiciary security personnel; and
- 16 (3) The department of the attorney general relating to
17 state law enforcement officers and narcotics
18 enforcement investigators with the narcotics
19 enforcement division,

20 shall be transferred to the department of public safety.

21 Effective July 1, 2023, the functions and authority transferred



1 in paragraph (1) shall be transferred to the department of
2 corrections and rehabilitation. Effective July 1, 2023, the
3 functions and authority transferred in paragraphs (2) and (3)
4 shall be transferred to the department of law enforcement.

5 (e) Effective July 1, 1990, the functions and authority
6 heretofore exercised by the department of health pursuant to
7 chapters 329 and 329C, with the exception of sections 329-2,
8 329-3, and 329-4(3) to (8), shall be transferred to the
9 department of public safety~~[-]~~, and, effective July 1, 2023,
10 shall be transferred to the department of law enforcement.

11 (f) Effective July 1, 1990, the functions, authority, and
12 obligations, together with the limitations imposed thereon and
13 the privileges and immunities conferred thereby, exercised by a
14 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
15 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
16 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
17 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
18 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,
19 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,
20 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
21 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,



1 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
2 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
3 exercised to the same extent by the department of public
4 safety[-], and, effective July 1, 2023, shall be exercised to
5 the same extent by the department of law enforcement.

6 (g) Effective January 1, 1993, the functions and authority
7 heretofore exercised by the attorney general and the department
8 of the attorney general relating to the executive security
9 officers shall be transferred to the department of public
10 safety[-], and, effective July 1, 2023, shall be transferred to
11 the department of law enforcement.

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

20 (i) Effective January 1, 1993, the functions and authority
21 heretofore exercised by the director of health and the



1 department of health relating to uniformed security employees
2 and security contracts at various state hospitals throughout the
3 State shall be transferred to the department of public
4 safety[-], and, effective July 1, 2023, shall be transferred to
5 the department of law enforcement. Effective July 1, 2005, the
6 functions, authority, and employee positions of the department
7 of public safety relating to uniformed security employees and
8 security contracts at health facilities that are under the
9 operation, management, and control of the Hawaii health systems
10 corporation shall be transferred to the Hawaii health systems
11 corporation.

12 (j) Effective January 1, 1993, the functions and authority
13 heretofore exercised by the director of human services and the
14 department of human services relating to contractual security
15 guard services shall be transferred to the department of public
16 safety[-], and, effective July 1, 2023, shall be transferred to
17 the department of law enforcement.

18 (k) Effective July 1, 1994, the functions and authority
19 heretofore exercised by the adjutant general relating to
20 security for national guard and state emergency management
21 facilities in the Diamond Head complex, for after work hours,



1 shall be transferred to the department of public safety[-], and,
2 effective July 1, 2023, shall be transferred to the department
3 of law enforcement.

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

12 SECTION 19. Section 846-2.7, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

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

15 (1) The department of health or its designee on operators
16 of adult foster homes for individuals with
17 developmental disabilities or developmental
18 disabilities domiciliary homes and their employees, as
19 provided by section 321-15.2;

20 (2) The department of health or its designee on
21 prospective employees, persons seeking to serve as



1 providers, or subcontractors in positions that place
2 them in direct contact with clients when providing
3 non-witnessed direct mental health or health care
4 services as provided by section 321-171.5;

5 (3) The department of health or its designee on all
6 applicants for licensure or certification for,
7 operators for, prospective employees, adult
8 volunteers, and all adults, except adults in care, at
9 healthcare facilities as defined in section 321-15.2;

10 (4) The department of education on employees, prospective
11 employees, and teacher trainees in any public school
12 in positions that necessitate close proximity to
13 children as provided by section 302A-601.5;

14 (5) The counties on employees and prospective employees
15 who may be in positions that place them in close
16 proximity to children in recreation or child care
17 programs and services;

18 (6) The county liquor commissions on applicants for liquor
19 licenses as provided by section 281-53.5;

20 (7) The county liquor commissions on employees and
21 prospective employees involved in liquor



1 administration, law enforcement, and liquor control
2 investigations;

3 (8) The department of human services on operators and
4 employees of child caring institutions, child placing
5 organizations, and foster boarding homes as provided
6 by section 346-17;

7 (9) The department of human services on prospective
8 adoptive parents as established under section 346-19.7;

9 (10) The department of human services or its designee on
10 applicants to operate child care facilities, household
11 members of the applicant, prospective employees of the
12 applicant, and new employees and household members of
13 the provider after registration or licensure as
14 provided by section 346-154, and persons subject to
15 section 346-152.5;

16 (11) The department of human services on persons exempt
17 pursuant to section 346-152 to be eligible to provide
18 child care and receive child care subsidies as
19 provided by section 346-152.5;

20 (12) The department of health on operators and employees of
21 home and community-based case management agencies and



1 operators and other adults, except for adults in care,
2 residing in community care foster family homes as
3 provided by section 321-15.2;

4 (13) The department of human services on staff members of
5 the Hawaii youth correctional facility as provided by
6 section 352-5.5;

7 (14) The department of human services on employees,
8 prospective employees, and volunteers of contracted
9 providers and subcontractors in positions that place
10 them in close proximity to youth when providing
11 services on behalf of the office or the Hawaii youth
12 correctional facility as provided by section 352D-4.3;

13 (15) The judiciary on employees and applicants at detention
14 and shelter facilities as provided by section 571-34;

15 (16) The department of [~~public safety~~] corrections and
16 rehabilitation on employees and prospective employees
17 who are directly involved with the treatment and care
18 of persons committed to a correctional facility [~~or~~
19 ~~who possess~~] as provided by section 353-D and the
20 department of law enforcement on employees and
21 prospective employees whose duties involve or may



1 involve the exercise of police powers including the
2 power of arrest as provided by section 353C-5;

3 (17) The board of private detectives and guards on
4 applicants for private detective or private guard
5 licensure as provided by section 463-9;

6 (18) Private schools and designated organizations on
7 employees and prospective employees who may be in
8 positions that necessitate close proximity to
9 children; provided that private schools and designated
10 organizations receive only indications of the states
11 from which the national criminal history record
12 information was provided pursuant to section 302C-1;

13 (19) The public library system on employees and prospective
14 employees whose positions place them in close
15 proximity to children as provided by section
16 302A-601.5;

17 (20) The State or any of its branches, political
18 subdivisions, or agencies on applicants and employees
19 holding a position that has the same type of contact
20 with children, vulnerable adults, or persons committed
21 to a correctional facility as other public employees



1 who hold positions that are authorized by law to
2 require criminal history record checks as a condition
3 of employment as provided by section 78-2.7;

4 (21) The department of health on licensed adult day care
5 center operators, employees, new employees,
6 subcontracted service providers and their employees,
7 and adult volunteers as provided by section 321-15.2;

8 (22) The department of human services on purchase of
9 service contracted and subcontracted service providers
10 and their employees serving clients of the adult
11 protective and community services branch, as provided
12 by section 346-97;

13 (23) The department of human services on foster grandparent
14 program, senior companion program, and respite
15 companion program participants as provided by section
16 346-97;

17 (24) The department of human services on contracted and
18 subcontracted service providers and their current and
19 prospective employees that provide home and community-
20 based services under section 1915(c) of the Social
21 Security Act, title 42 United States Code section



1 1396n(c), or under any other applicable section or
2 sections of the Social Security Act for the purposes
3 of providing home and community-based services, as
4 provided by section 346-97;

5 (25) The department of commerce and consumer affairs on
6 proposed directors and executive officers of a bank,
7 savings bank, savings and loan association, trust
8 company, and depository financial services loan
9 company as provided by section 412:3-201;

10 (26) The department of commerce and consumer affairs on
11 proposed directors and executive officers of a
12 nondepository financial services loan company as
13 provided by section 412:3-301;

14 (27) The department of commerce and consumer affairs on the
15 original chartering applicants and proposed executive
16 officers of a credit union as provided by section
17 412:10-103;

18 (28) The department of commerce and consumer affairs on:
19 (A) Each principal of every non-corporate applicant
20 for a money transmitter license;



1 (B) Each person who upon approval of an application
2 by a corporate applicant for a money transmitter
3 license will be a principal of the licensee; and

4 (C) Each person who upon approval of an application
5 requesting approval of a proposed change in
6 control of licensee will be a principal of the
7 licensee,

8 as provided by sections 489D-9 and 489D-15;

9 (29) The department of commerce and consumer affairs on
10 applicants for licensure and persons licensed under
11 title 24;

12 (30) The Hawaii health systems corporation on:

13 (A) Employees;

14 (B) Applicants seeking employment;

15 (C) Current or prospective members of the corporation
16 board or regional system board; or

17 (D) Current or prospective volunteers, providers, or
18 contractors,

19 in any of the corporation's health facilities as
20 provided by section 323F-5.5;

21 (31) The department of commerce and consumer affairs on:



- 1 (A) An applicant for a mortgage loan originator
- 2 license, or license renewal; and
- 3 (B) Each control person, executive officer, director,
- 4 general partner, and managing member of an
- 5 applicant for a mortgage loan originator company
- 6 license or license renewal,
- 7 as provided by chapter 454F;
- 8 (32) The state public charter school commission or public
- 9 charter schools on employees, teacher trainees,
- 10 prospective employees, and prospective teacher
- 11 trainees in any public charter school for any position
- 12 that places them in close proximity to children, as
- 13 provided in section 302D-33;
- 14 (33) The counties on prospective employees who work with
- 15 children, vulnerable adults, or senior citizens in
- 16 community-based programs;
- 17 (34) The counties on prospective employees for fire
- 18 department positions that involve contact with
- 19 children or vulnerable adults;



1 (35) The counties on prospective employees for emergency
2 medical services positions that involve contact with
3 children or vulnerable adults;

4 (36) The counties on prospective employees for emergency
5 management positions and community volunteers whose
6 responsibilities involve planning and executing
7 homeland security measures including viewing,
8 handling, and engaging in law enforcement or
9 classified meetings and assisting vulnerable citizens
10 during emergencies or crises;

11 (37) The State and counties on employees, prospective
12 employees, volunteers, and contractors whose position
13 responsibilities require unescorted access to secured
14 areas and equipment related to a traffic management
15 center;

16 (38) The State and counties on employees and prospective
17 employees whose positions involve the handling or use
18 of firearms for other than law enforcement purposes;

19 (39) The State and counties on current and prospective
20 systems analysts and others involved in an agency's
21 information technology operation whose position



- 1 responsibilities provide them with access to
2 proprietary, confidential, or sensitive information;
- 3 (40) The department of commerce and consumer affairs on:
- 4 (A) Applicants for real estate appraiser licensure or
5 certification as provided by chapter 466K;
- 6 (B) Each person who owns more than ten per cent of an
7 appraisal management company who is applying for
8 registration as an appraisal management company,
9 as provided by section 466L-7; and
- 10 (C) Each of the controlling persons of an applicant
11 for registration as an appraisal management
12 company, as provided by section 466L-7;
- 13 (41) The department of health or its designee on all
14 license applicants, licensees, employees, contractors,
15 and prospective employees of medical cannabis
16 dispensaries, and individuals permitted to enter and
17 remain in medical cannabis dispensary facilities as
18 provided under sections 329D-15(a)(4) and
19 329D-16(a)(3);
- 20 (42) The department of commerce and consumer affairs on
21 applicants for nurse licensure or license renewal,



1 reactivation, or restoration as provided by sections
2 457-7, 457-8, 457-8.5, and 457-9;

3 (43) The county police departments on applicants for
4 permits to acquire firearms pursuant to section 134-2
5 and on individuals registering their firearms pursuant
6 to section 134-3;

7 (44) The department of commerce and consumer affairs on:

8 (A) Each of the controlling persons of the applicant
9 for licensure as an escrow depository, and each
10 of the officers, directors, and principals who
11 will be in charge of the escrow depository's
12 activities upon licensure; and

13 (B) Each of the controlling persons of an applicant
14 for proposed change in control of an escrow
15 depository licensee, and each of the officers,
16 directors, and principals who will be in charge
17 of the licensee's activities upon approval of the
18 application,

19 as provided by chapter 449;

20 (45) The department of taxation on current or prospective
21 employees or contractors who have access to federal



1 tax information in order to comply with requirements
2 of federal law, regulation, or procedure, as provided
3 by section 231-1.6;

4 (46) The department of labor and industrial relations on
5 current or prospective employees or contractors who
6 have access to federal tax information in order to
7 comply with requirements of federal law, regulation,
8 or procedure, as provided by section 383-110;

9 (47) The department of human services on current or
10 prospective employees or contractors who have access
11 to federal tax information in order to comply with
12 requirements of federal law, regulation, or procedure,
13 as provided by section 346-2.5;

14 (48) The child support enforcement agency on current or
15 prospective employees, or contractors who have access
16 to federal tax information in order to comply with
17 federal law, regulation, or procedure, as provided by
18 section 576D-11.5;

19 (49) The department of the attorney general on current or
20 prospective employees or employees or agents of
21 contractors who have access to federal tax information



1 to comply with requirements of federal law,
2 regulation, or procedure, as provided by section
3 28-17;

4 [+](50)[+] The department of commerce and consumer affairs on
5 each control person, executive officer, director,
6 general partner, and managing member of an installment
7 loan licensee, or an applicant for an installment loan
8 license, as provided in chapter 480J;

9 [+](51)[+] The University of Hawaii on current and prospective
10 employees and contractors whose duties include
11 ensuring the security of campus facilities and
12 persons; and

13 [+](52)[+] Any other organization, entity, or the State, its
14 branches, political subdivisions, or agencies as may
15 be authorized by state law."

16 SECTION 20. Sections 134-2, 353-1, 353B-3, 353L-3, 353L-5,
17 354D-2, 707-732, 801D-4, 804-7, Hawaii Revised Statutes, are
18 amended by substituting the word "department of corrections and
19 rehabilitation", or similar term, wherever the word "department
20 of public safety", or similar term, appears and by substituting
21 the word "director of corrections and rehabilitation", or



1 similar term, wherever the word "director of public safety", or
2 similar term, appears, as the context requires.

3 SECTION 21. Section 353C-4.5, Hawaii Revised Statutes, is
4 repealed.

5 [~~"§353C-4.5~~ ~~Correctional health care program.~~ There is
6 established a correctional health care program within the
7 department. The administrator of the correctional health care
8 program and physicians who provide care to inmates shall be
9 appointed by the director without regard to [chapter 76]."]

10 SECTION 22. Section 353C-7, Hawaii Revised Statutes, is
11 repealed.

12 [~~"§353C-7~~ ~~Federal reimbursement maximization special fund.~~

13 ~~(a) There is established in the state treasury the federal~~
14 ~~reimbursement maximization special fund, into which shall be~~
15 ~~deposited all federal reimbursements received by the department~~
16 ~~relating to the State Criminal Alien Assistance Program. Unless~~
17 ~~otherwise provided by law, all other receipts shall immediately~~
18 ~~be deposited to the credit of the general fund of the State.~~

19 ~~(b) Moneys in the federal reimbursement maximization~~
20 ~~special fund shall be used by the department for the following~~
21 ~~purposes:~~



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



1 SECTION 23. Section 353C-8, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§353C-8 Sexual assaults in prison. (a) The department
4 of public safety, to the best of the department's ability, shall
5 address sexual assault in prison and make every effort to seek
6 grant moneys from the federal government to implement those
7 efforts. The department shall place priority upon establishing:~~

- 8 (1) ~~Appropriate counseling services for sexual assault, to
9 be made available to victims of prison rape within
10 twenty four hours of the report of an assault; and
11 (2) Policies and standards of transparency to achieve a
12 zero tolerance policy for sexual assault.~~

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

- 16 (1) ~~Sexual assault by persons in custody against other
17 persons in custody of the department of public safety;
18 (2) Sexual assault by correctional staff against persons
19 in custody of the department of public safety;~~



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

4 ~~(4) Criminal cases initiated, and closed by dismissal,~~
5 ~~plea, or verdict, for sexual assaults by or upon a~~
6 ~~person in custody of the department of public safety;~~

7 ~~and~~

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

12 ~~(c) The department of public safety shall preserve any~~
13 ~~forensic evidence consisting of human biological specimens for~~
14 ~~collection by the relevant criminal investigation entity or~~
15 ~~coroner, if there is any indication of sexual assault leading to~~
16 ~~the death of any.~~

17 ~~(1) Correctional facility or community correctional center~~
18 ~~employee who dies on the grounds of a correctional~~
19 ~~facility or community correctional center where Hawaii~~
20 ~~inmates reside or who sustains an injury on the~~
21 ~~grounds of a correctional facility or community~~



1 ~~correctional center where Hawaii inmates reside that~~
2 ~~causes the death of the employee; and~~
3 ~~(2) Hawaii inmate who is incarcerated in a state or~~
4 ~~contracted correctional facility."]~~

5 SECTION 24. Section 353C-8.5, Hawaii Revised Statutes, is
6 repealed.

7 ~~["~~§ 353C-8.5~~ **Correctional facility and community**~~
8 ~~**correctional center deaths; reporting.** (a) Within forty eight~~
9 ~~hours, the director shall report to the governor, and the~~
10 ~~governor shall report to the legislature, the death of any:~~

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

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

20 ~~(b) The report in subsection (a) shall include the~~
21 ~~following information:~~



- 1 ~~(1) The name of the decedent;~~
- 2 ~~(2) The gender and age of the decedent;~~
- 3 ~~(3) Whether the decedent was an inmate or an employee;~~
- 4 ~~(4) The location of the death or injury leading to the~~
5 ~~death;~~
- 6 ~~(5) The date and time of the death;~~
- 7 ~~(6) The cause of death; and~~
- 8 ~~(7) Any indication of sexual assault leading to the death;~~
- 9 ~~provided that when the official cause of death has been~~
10 ~~determined, the director shall immediately report the official~~
11 ~~cause of death to the governor, and the governor shall~~
12 ~~immediately report the official cause of death to the~~
13 ~~legislature.~~
- 14 ~~(c) Within thirty days of a death described in subsection~~
15 ~~(a), the director shall submit a report to the governor, and the~~
16 ~~governor shall submit the report to the legislature, of the~~
17 ~~clinical mortality review conducted in response to the death,~~
18 ~~including correctional actions to be taken.~~
- 19 ~~(d) The director shall have the discretion to withhold~~
20 ~~disclosure of the decedent's name or any information protected~~
21 ~~from disclosure by state or federal laws."]~~



1 PART V

2 SECTION 25. All rights, powers, functions, and duties of
3 the employees of the investigations division of the department
4 of the attorney general performing non-statutorily mandated
5 functions are transferred to the department of law enforcement.

6 SECTION 26. All rights, powers, functions, and duties of
7 the employees of the state office of homeland security are
8 transferred to the department of law enforcement.

9 SECTION 27. All rights, powers, functions, and duties of
10 the employees of the department of transportation performing law
11 enforcement functions and related employees are transferred to
12 the department of law enforcement.

13 SECTION 28. Section 26-21, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

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



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

4 The devolution of command of the military forces in the
5 absence of the adjutant general shall be within the military
6 establishment. The devolution of command of the Hawaii
7 emergency management agency in the absence of the adjutant
8 general, as director of the agency, shall be within the agency."

9 SECTION 29. Section 128A-2, Hawaii Revised Statutes, is
10 amended by amending the definition of "director of homeland
11 security" or "director" to read as follows:

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

14 SECTION 30. Section 128A-3, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) There shall be established within the department of
17 ~~[defense]~~ law enforcement an office of homeland security. The
18 director ~~[of homeland security]~~ shall employ appropriate
19 personnel and make expenditures as may be necessary to carry out
20 this chapter. The director shall appoint an administrator of
21 homeland security who shall be exempt from chapter 76, subject



1 to removal by the director, and receive compensation as the
2 director may determine."

3 SECTION 31. Section 128B-1, Hawaii Revised Statutes, is
4 amended by amending subsections (a) and (b) to read as follows:

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

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

16 SECTION 32. Section 139-2, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) There is established the law enforcement standards
19 board within the department of the attorney general for
20 administrative purposes only. The purpose of the board shall be
21 to provide programs and standards for training and certification



1 of law enforcement officers. The law enforcement standards
2 board shall consist of the following voting members: [~~nine~~]
3 eight ex officio individuals, two law enforcement officers, and
4 four members of the public.

5 (1) The [~~nine~~] eight ex officio members of the board shall
6 consist of the:

7 (A) Attorney general;

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

9 [~~(C) Director of transportation or the director's~~
10 ~~designee,~~

11 ~~(D)]~~ (C) Chairperson of the board of land and natural
12 resources or chairperson's designee;

13 [~~(E)]~~ (D) Director of taxation or the director's
14 designee; and

15 [~~(F)]~~ (E) Chiefs of police of the four counties;

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

19 (3) The four members of the public shall consist of one
20 member of the public from each of the four counties
21 and shall be appointed by the governor. At least two



1 of the four members of the public holding a position
2 on the board at any given time shall:

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

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

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

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

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

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

18 SECTION 33. Section 139-7, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) No person shall be appointed or employed as a law
21 enforcement officer by any county police department, the



1 department of [~~public safety, the department of transportation,~~
2 law enforcement, the department of land and natural resources,
3 the department of taxation, or the department of the attorney
4 general, unless the person possesses a valid certification
5 issued by the board pursuant to section 139-6(b)."

6 SECTION 34. Section 266-24, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) [~~The director of transportation shall enforce this
9 chapter and all rules thereunder, except for the rules relative
10 to the control and management of the beaches encumbered with
11 easements in favor of the public and ocean waters, which shall
12 be enforced by the department of land and natural resources.
13 For the purpose of the enforcement of this chapter and of all
14 rules adopted pursuant to this chapter, the powers of police
15 officers are conferred upon the director of transportation and
16 any officer, employee, or representative of the department of
17 transportation. Without limiting the generality of the
18 foregoing, the director and any person appointed by the director
19 hereunder may serve and execute warrants, arrest offenders, and
20 serve notices and orders. The director of transportation and
21 any employee, agent, or representative of the department of~~



1 ~~transportation appointed as enforcement officers by the~~
2 ~~director, and every]~~ Every state and county officer charged with
3 the enforcement of any law, statute, rule, regulation,
4 ordinance, or order, shall enforce and assist in the enforcement
5 of this chapter and of all rules and orders issued pursuant
6 thereto, and in carrying out the responsibilities hereunder,
7 each shall be specifically authorized to:

- 8 (1) Conduct any enforcement action hereunder in any
9 commercial harbor area and any area over which the
10 department of transportation and the director of
11 transportation has jurisdiction under this chapter;
- 12 (2) Inspect and examine at reasonable hours any premises,
13 and the buildings and other structures thereon, where
14 harbors or harbor facilities are situated, or where
15 harbor-related activities are operated or conducted;
16 and
- 17 (3) [~~Subject to limitations as may be imposed by the~~
18 ~~director of transportation, serve and execute~~
19 ~~warrants, arrest offenders, and serve]~~ Serve notices
20 and orders.



1 ~~[Any employee appointed as a law enforcement officer by the~~
2 ~~director of transportation pursuant to this section who has been~~
3 ~~qualified by training may use electric guns, as specifically~~
4 ~~provided in section 134-87, when exercising powers of police~~
5 ~~officers and carrying out the responsibilities described herein,~~
6 ~~provided that training for the purposes of this section means a~~
7 ~~course of instruction or training in the use of any electric gun~~
8 ~~that is provided, authorized, or approved by the manufacturer of~~
9 ~~the electric gun prior to deployment or issuance of electric~~
10 ~~guns and related equipment.~~

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

15 SECTION 35. Section 291-31.5, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

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



- 1 (1) County law enforcement vehicles authorized and
- 2 approved by the chief of police of the county in which
- 3 the vehicle is operated;
- 4 (2) Department of [~~public safety~~] law enforcement vehicles
- 5 with blue and red lamps, reflectors, or illumination
- 6 devices authorized and approved by the director of
- 7 [~~public safety,~~] law enforcement;
- 8 (3) Department of land and natural resources division of
- 9 conservation and resources enforcement vehicles with
- 10 blue and red lamps, reflectors, or illumination
- 11 devices authorized and approved by the chairperson of
- 12 the board of land and natural resources; or
- 13 (4) Department of [~~transportation division of harbors~~] the
- 14 attorney general law enforcement vehicles with blue
- 15 and red lamps, reflectors, or illumination devices
- 16 authorized and approved by the [~~director of~~
- 17 ~~transportation-~~] attorney general.

18 This prohibition shall not apply to factory-installed
 19 instrument illumination."



PART VI

SECTION 36. All employees who occupy civil service positions and whose functions are transferred by this Act shall retain their civil service status (permanent or temporary). Employees shall be transferred without loss of salary, seniority (except as prescribed by collective bargaining agreements), retention points, prior service credit, any vacation and sick leave credits previously earned, and other rights, benefits, and privileges, in accordance with state personnel laws and this Act; provided that the employees possess the minimum qualifications and public employment requirements for the class or position to which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any employee who, prior to this Act, is exempt from civil service and is transferred as a consequence of this Act may continue to retain the employee's exempt status but shall not be appointed to a civil service position because of this Act. An exempt employee who is transferred by this Act shall not suffer any loss of prior service credit, any vacation and sick leave credits previously earned, or other employee benefits or



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

10 SECTION 37. All appropriations, records, equipment,
 11 machines, files, supplies, contracts, books, papers, documents,
 12 maps, and other personal property heretofore made, used,
 13 acquired, or held by the department of transportation,
 14 department of the attorney general, department of public safety,
 15 and department of defense relating to the functions transferred
 16 to the department of law enforcement or department of
 17 corrections and rehabilitation shall be transferred with the
 18 functions to which they relate.

19 SECTION 38. All leases, contracts, loans, agreements,
 20 permits, or other documents executed or entered into by or on
 21 behalf of the department of transportation, department of public



1 safety, department of the attorney general, and department of
2 defense pursuant to the provisions of the Hawaii Revised
3 Statutes that are reenacted or made applicable to the department
4 of law enforcement or department of corrections and
5 rehabilitation by this Act shall remain in full force and
6 effect. Effective January 1, 2023, every reference to the
7 department of public safety or the director of public safety in
8 those leases, contracts, loans, agreements, permits, or other
9 documents shall be construed as a reference to the department of
10 law enforcement or the director of law enforcement, or the
11 department of corrections and rehabilitation or the director of
12 corrections and rehabilitation, as appropriate. Effective
13 July 1, 2023, every reference to the department of
14 transportation or the director of transportation, the department
15 of the attorney general or the attorney general, or the
16 department of defense or the state adjutant general in those
17 leases, contracts, loans, agreements, permits, or other
18 documents shall be construed as a reference to the department of
19 law enforcement or the director of law enforcement, as
20 applicable.



1 SECTION 39. All rules, policies, procedures, guidelines,
2 and other material adopted or developed by the department of
3 transportation, department of the attorney general, department
4 of public safety, or the department of defense to implement
5 provisions of the Hawaii Revised Statutes that are reenacted or
6 made applicable to the department of law enforcement or the
7 department of corrections and rehabilitation by this Act shall
8 remain in full force and effect until amended or repealed by the
9 department of law enforcement or department of corrections and
10 rehabilitation pursuant to chapter 91, Hawaii Revised Statutes.
11 In the interim, every reference to the department of
12 transportation or director of transportation, department of the
13 attorney general or attorney general, department of defense or
14 state adjutant general, department of public safety or director
15 of public safety, in those rules, policies, procedures,
16 guidelines, and other material is amended to refer to the
17 department of law enforcement or director of law enforcement, or
18 department of corrections and rehabilitation or director of
19 corrections and rehabilitation, as appropriate.

20 SECTION 40. No offense committed and no penalty or
21 forfeiture incurred under the law shall be affected by this Act;



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

13 SECTION 41. The right of appeal from administrative
14 actions or determinations as provided by law shall not be
15 impaired by this Act. Except as otherwise provided by this Act,
16 wherever a right of appeal from administrative actions or
17 determinations is provided by law to or from any officer, board,
18 department, bureau, commission, administrative agency, or
19 instrumentality of the State that, or any of the programs of
20 which, is transferred by this Act to the department of law
21 enforcement or department of corrections and rehabilitation, as



1 the case may be, the right of appeal shall lie to or from the
2 department of law enforcement or department of corrections and
3 rehabilitation as the case may be when the transfer is made.
4 The right of appeal shall exist to the same extent and in
5 accordance with the applicable procedures that are in effect
6 immediately prior to the effective date of this Act.

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

12 SECTION 42. It is the intent of this Act not to jeopardize
13 the receipt of any federal aid nor to impair the obligation of
14 the State or any agency thereof to the holders of any bond
15 issued by the State or by any agency, and to the extent, and
16 only to the extent, necessary to effectuate this intent, the
17 governor may modify the strict provisions of this Act, but shall
18 promptly report any modifications with the reasons therefor to
19 the legislature at its next session thereafter for review by the
20 legislature.



1 SECTION 43. The revisor of statutes may incorporate into
2 the Hawaii Revised Statutes any of the provisions contained in
3 this Act. The revisor of statutes shall substitute the
4 appropriate department of corrections and rehabilitation or
5 department of law enforcement reference in all existing statutes
6 where a department, board, commission, agency, program, or
7 organizational segment is transferred to the department of
8 corrections and rehabilitation or department of law enforcement
9 if the existing statutory language has not been amended by this
10 Act.

11 SECTION 44. All laws and parts of laws heretofore enacted
12 that are in conflict with the provisions of this Act are hereby
13 amended to conform herewith. All Acts passed during this
14 regular session of 2022, whether enacted before or after the
15 passage of this Act, shall be amended to conform to this Act,
16 unless the Acts specifically provide that the Act relating to a
17 "department of public safety" are being amended. Amendments
18 made to sections of the Hawaii Revised Statutes that are amended
19 by this Act as of a future effective date shall include
20 amendments made after the approval of this Act and before the
21 effective date of the amendments made by this Act, to the extent



1 that the intervening amendments may be harmonized with the
2 amendments made by this Act.

3 PART VII

4 SECTION 45. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2022-2023 for the
7 purposes of this Act, including the establishment, hiring, and
8 filling of positions within the department of law enforcement as
9 follows:

- 10 (1) \$ for one permanent full-time equivalent (FTE)
11 director position;
- 12 (2) \$ for two permanent full-time equivalent (FTE)
13 deputy director positions;
- 14 (3) \$ for three permanent full-time equivalent
15 (FTE) private secretary positions;
- 16 (4) \$ for one permanent full-time equivalent (FTE)
17 special assistant position;
- 18 (5) \$ for one permanent full-time equivalent (FTE)
19 administrative services officer position;
- 20 (6) \$ for one permanent full-time equivalent (FTE)
21 human resources officer position;



- 1 (7) \$ for one permanent full-time equivalent (FTE)
- 2 planner position;
- 3 (8) \$ for eight permanent full-time equivalent
- 4 (FTE) administrative services and accounting
- 5 positions;
- 6 (9) \$ for nine permanent full-time equivalent (FTE)
- 7 information services and technology positions;
- 8 (10) \$ for four permanent full-time equivalent (FTE)
- 9 internal support services positions;
- 10 (11) \$ for eight permanent full-time equivalent
- 11 (FTE) human resources positions;
- 12 (12) \$ for two permanent full-time equivalent (FTE)
- 13 capital improvement project coordinator positions;
- 14 (13) \$ for four permanent full-time equivalent (FTE)
- 15 litigation coordination positions;
- 16 (14) \$ for nine permanent full-time equivalent (FTE)
- 17 training and staffing development positions;
- 18 (15) \$ for six permanent full-time equivalent (FTE)
- 19 supervisory deputy sheriff positions;
- 20 (16) \$ for five permanent full-time equivalent (FTE)
- 21 office of homeland security investigator positions;



1 (17) \$ for four permanent full-time equivalent (FTE)
2 civil rights compliance positions;

3 (18) \$ for one permanent full-time equivalent (FTE)
4 public information officer position; and

5 (19) \$ for other operation costs.

6 The sum appropriated shall be expended by the department of
7 law enforcement for the purposes of this Act.

8 SECTION 46. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2022-2023 for the
11 purposes of this Act, including the establishment, hiring, and
12 filling of positions within the department of corrections and
13 rehabilitation as follows:

14 (1) \$ for one permanent full-time equivalent (FTE)
15 investigator VI position;

16 (2) \$ for three permanent full-time equivalent
17 (FTE) investigator V positions;

18 (3) \$ for one permanent full-time equivalent (FTE)
19 secretary I position; and



1 (4) \$ for three permanent full-time equivalent
2 (FTE) adult correctional officer 08 (CO-08) sergeant
3 positions.

4 The sum appropriated shall be expended by the department of
5 corrections and rehabilitation for the purposes of this Act.

6 PART VIII

7 SECTION 47. In codifying the new sections added by section
8 17 and referenced in section 19 of this Act, the revisor of
9 statutes shall substitute appropriate section numbers for the
10 letters used in designating the new sections in this Act.

11 SECTION 48. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 49. This Act shall take effect upon July 1, 2050;
14 provided that the amendments made to section 26-52, Hawaii
15 Revised Statutes, by section 4 of this Act shall not be repealed
16 when that section is reenacted on June 30, 2024, pursuant to
17 section 4 of Act 90, Session Laws of Hawaii 2014.



Report Title:

PSD; AG; DOT; Office of Homeland Security; Law Enforcement;
Corrections and Rehabilitation; Appropriation

Description:

Establishes a Department of Law Enforcement to consolidate and administer criminal law enforcement and investigations functions of the State. Reestablishes the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer state corrections and rehabilitation, and reentry of the inmate population. Transfers the law enforcement functions of the Department of Public Safety to the Department of Law Enforcement, 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. Appropriates funds to the Department of Law Enforcement and Department of Corrections and Rehabilitation. Effective 7/1/2050. (SD2)

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

