

STAND. COM. REP. NO. **652** -22

Honolulu, Hawaii

FEB 18 , 2022

RE: H.B. No. 2171
H.D. 2

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2171, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a new Department of Law Enforcement to consolidate and administer the criminal law enforcement and investigations functions of the Department of Transportation, certain investigations functions of the Department of the Attorney General, functions of the Office of Homeland Security, and law enforcement and investigations functions of the Department of Public Safety;
- (2) Rename the Department of Public Safety as the Department of Corrections and Rehabilitation, which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to the Department of Public Safety;
- (3) Establish a training center within the Department of Law Enforcement;

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- (4) Transfer employees, appropriations, records, equipment, leases, contracts, other documents, rules, policies, procedures, guidelines, and other material, as appropriate, to the respective departments; and
- (5) Establish positions and appropriate funds for the Department of Law Enforcement and Department of Corrections and Rehabilitation.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of Transportation; Department of Public Safety; Department of Defense; Hawaii Paroling Authority; Hawaii Office of Homeland Security; Department of the Prosecuting Attorney of the City and County of Honolulu; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; State of Hawaii Organization of Police Officers; and numerous individuals. Your Committee received testimony in opposition to this measure from three individuals. Your Committee received comments on this measure from the Department of Budget and Finance; Office of Information Practices; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that state law enforcement personnel and functions are currently spread across various departments. The Department of Public Safety, Department of Transportation, and Department of the Attorney General all have independent law enforcement officers and different law enforcement duties. Since each department administers its own law enforcement duties, goals, and functions, training and operational standards differ between each department. This measure consolidates state law enforcement responsibilities into a single state department to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, and provide uniform training and standards.

Your Committee has amended this measure by:

- (1) Clarifying that appropriate counseling services for sexual assault are to be made available to victims of prison sexual assault, rather than only victims of prison rape;
- (2) Reinstating existing statutory provisions regarding the correctional health care program, federal reimbursement



maximization special fund, sexual assaults in prison, and the reporting of correctional facility and community correctional center deaths;

- (3) Deleting language that would have allowed the Department of the Attorney General law enforcement vehicles to have blue and red lamps, reflectors, or illumination devices as authorized and approved by the Attorney General;
- (4) Deleting language that amended the definition of "authorized emergency vehicle" under the Statewide Traffic Code to include attorney general law enforcement vehicles;
- (5) Changing the appropriation amounts for positions within the Department of Law Enforcement to unspecified amounts; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider:

- (1) Appropriating \$4,121,309 for positions within the Department of Law Enforcement as follows:
 - (A) \$175,056 for one full-time equivalent (1.0 FTE) permanent director position;
 - (B) \$322,056 for two full-time equivalent (2.0 FTE) permanent deputy director positions;
 - (C) \$211,032 for three full-time equivalent (3.0 FTE) permanent private secretary positions;
 - (D) \$118,000 for one full-time equivalent (1.0 FTE) permanent special assistant position;
 - (E) \$127,848 for one full-time equivalent (1.0 FTE) permanent administrative services officer position;
 - (F) \$115,950 for one full-time equivalent (1.0 FTE) permanent human resources officer position;



- (G) \$67,200 for one full-time equivalent (1.0 FTE) permanent planner position;
- (H) \$228,132 for eight full-time equivalent (8.0 FTE) permanent administrative services and accounting positions;
- (I) \$285,636 for nine full-time equivalent (9.0 FTE) permanent information services and technology positions;
- (J) \$78,630 for four full-time equivalent (4.0 FTE) permanent internal support services positions;
- (K) \$238,026 for eight full-time equivalent (8.0 FTE) permanent human resources positions;
- (L) \$75,588 for two full-time equivalent (2.0 FTE) permanent capital improvement project coordinator positions;
- (M) \$156,699 for four full-time equivalent (4.0 FTE) permanent litigation coordination positions;
- (N) \$315,360 for nine full-time equivalent (9.0 FTE) permanent training and staffing development positions;
- (O) \$243,126 for six full-time equivalent (6.0 FTE) permanent supervisory deputy sheriff positions;
- (P) \$179,217 for five full-time equivalent (5.0 FTE) permanent office of homeland security investigator positions;
- (Q) \$139,596 for four full-time equivalent (4.0 FTE) permanent civil rights compliance positions;
- (R) \$37,794 for one full-time equivalent (1.0 FTE) permanent public information officer position; and
- (S) \$1,006,363 for other operation costs; and



- (2) The salaries of the new director positions established pursuant to this measure since there may be a gap between when these positions are filled and when the next Salary Commission meets to set the director position salaries.

Your Committee notes that the Chairperson of the Committee will send a letter to the Director of Public Safety to request a future organizational chart and information on the transition of positions as provided by this measure into the new departments.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2171, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 2171, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,


MARK M. NAKASHIMA, Chair



