

Honolulu, Hawaii

MAR 18 , 2022

RE: S.B. No. 3139
S.D. 2
H.D. 1

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

Sir:

Your Committee on Corrections, Military, & Veterans, to which was referred S.B. No. 3139, S.D. 2, 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 Department of Law Enforcement to consolidate and administer criminal law enforcement and investigative functions of the State;
- (2) Reestablish the Department of Public Safety as an independent Department of Corrections and Rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population;
- (3) Transfer the law enforcement functions of the Department of Public Safety, 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;
- (4) Establish a state law enforcement training center; and



- (5) Establish positions and appropriate funds to the Department of Law Enforcement and Department of Corrections and Rehabilitation.

Your Committee received testimony in support of this measure from the United States Department of Homeland Security's Homeland Security Investigations unit; Department of Public Safety; Department of the Attorney General; Department of Transportation; Department of Defense; Hawaii Office of Homeland Security; Hawaii Paroling Authority; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and numerous individuals. Your Committee received testimony in opposition to this measure from the American Civil Liberties Union of Hawai'i and three individuals. Your Committee received comments on this measure from the Department of Hawaiian Home Lands; Department of Budget and Finance; State of Hawaii Organization of Police Officers; and United Public Workers, AFSCME Local 646, AFL-CIO.

Your Committee finds that corrections and certain law enforcement functions and activities are currently placed within the Department of Public Safety. Your Committee recognizes that the goals and functions of corrections and law enforcement are distinct and separating the functions of the Department of Public Safety into two departments would advance these distinct goals and objectives, while allowing the corrections arm to more fully integrate strategies for rehabilitation.

Your Committee further finds that state law enforcement personnel and functions are currently spread across various departments and county agencies. Reorganizing certain state law enforcement functions into a single entity with consistent training opportunities would provide for centralized state law enforcement functions to increase public safety, improve decision making, promote accountability, and streamline communication.

Your Committee has amended this measure by:

- (1) Deleting its contents and inserting the contents of H.B. No. 2171, H.D. 2, a substantially similar measure previously passed by the House, except that it:
 - (A) Retains the phasing in approach as set forth in the measure as introduced, including timing for the



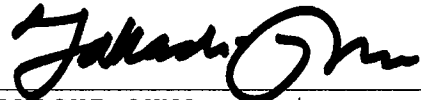
establishment of the Department of Law Enforcement and Department of Corrections and Rehabilitation, transfer of functions and personnel, and appropriations;

- (B) Addresses concerns regarding overstepping the functions of county law enforcement;
 - (C) Incorporates conforming and other technical amendments for the purpose of clarity, consistency, and style; and
 - (D) Contains an effective date of July 1, 3000;
- (2) Clarifying that the salary of the Director of Law Enforcement shall be the same as that of the Director of Public Safety until such time as the Salary Commission meets and sets the salary;
 - (3) Including in the duties of the Director of Law Enforcement responsibility for the deployment of adequate resources and coordination with county police departments to protect the health and safety of homestead communities on Hawaiian home lands; and
 - (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Corrections, Military, & Veterans that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3139, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3139, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.



Respectfully submitted on
behalf of the members of the
Committee on Corrections,
Military, & Veterans,



TAKASHI OHNO, Chair



