

Honolulu, Hawaii

FEB 18 2022

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 3139 entitled:

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

begs leave to report as follows:

The purpose and intent 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 current law enforcement and investigations functions of the Department of Public Safety; and
- (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.

Your Committee received testimony in support of this measure from the Bureau of Alcohol, Tobacco, Firearms and Explosives; Hawaii Paroling Authority; Department of the Attorney General; Department of Public Safety; Hawaii Office of Homeland Security;



Department of Defense; Department of Transportation; Department of the Prosecuting Attorney of the City and County of Honolulu; State of Hawaii Organization of Police Officers; Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO; and one hundred sixteen 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 currently, corrections and certain law enforcement functions and activities are placed within the Department of Public Safety. Additionally, the goals and functions of corrections and law enforcement are different and distinct and separating the functions of corrections and law enforcement from the Department of Public Safety into two departments would best accomplish the distinct goals and objectives of both functions. Your Committee further 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 with different law enforcement duties. Training and operational standards differ between each department because each department administers its own law enforcement duties, goals, and functions. Your Committee believes that the reorganization of certain state law enforcement functions into a single entity would provide the highest level of law enforcement service for the public, state employees, and state properties. This measure will increase public safety, improve decision-making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, and promote uniform training and standards of law enforcement services by establishing a new Department of Law Enforcement to consolidate and administer certain functions of the Department of Transportation, Department of the Attorney General, Office of Homeland Security, and Department of Public Safety and renaming the Department of Public Safety as the Department of Corrections and Rehabilitation.

Your Committee has amended this measure by:



- (1) Clarifying that county police departments are able to maintain their current level of authority and jurisdiction;
- (2) Deleting language that would have required the Director of Corrections and Rehabilitation to include the name of the decedent in the Director of Corrections and Rehabilitation's report of community correctional center deaths to the Governor;
- (3) Adding language to allow the Director of Corrections and Rehabilitation to disclose the name of a decedent in the Director of Corrections and Rehabilitation's report of community correctional deaths to the Governor; provided that the Director of Corrections and Rehabilitations shall not disclose information protected from disclosure by law;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of July 31, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee has heard testimony expressing concerns that this measure may affect the State Law Enforcement Coalition and the Investigations Division, which may affect the ability of state law enforcement to conduct complex white collar crime investigations, particularly government corruption and financial fraud. Additionally, your Committee notes that this measure does not require the Department of Law Enforcement to be certified by the Commission on Accreditation for Law Enforcement Agencies, Inc. Your Committee finds that these issues raise concerns that merit further consideration and requests that your Committees on Ways and Means and Judiciary further examine those issues and concerns.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3139, as amended herein, and recommends that it pass Second Reading in the form



attached hereto as S.B. No. 3139, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,

*Clarence K. Nishihara*


---

CLARENCE K. NISHIHARA, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 3139</b>	Committee Referral: <b>PSM, WAM/JDC</b>	Date: <b>2/15/2022</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.	✓			
RIVIERE, Gil	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes