

JAN 25 2023

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**A BILL FOR AN ACT**

RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022.

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

1           SECTION 1. Section 26-14.8, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3           "(c) The department of law enforcement shall be  
4 responsible for the formulation and implementation of state  
5 policies and objectives for security, criminal law enforcement,  
6 and public safety programs and functions, for the service of  
7 process, and for the security of state buildings and state  
8 land."

9           SECTION 2. Act 278, Session Laws of Hawaii 2022, is  
10 amended by amending section 1 to read as follows:

11           "SECTION 1. The purpose of this Act is to:

12           (1) Establish a new department of law enforcement to  
13           consolidate and administer the criminal law  
14           enforcement and investigations functions of the  
15           department of transportation, certain [~~investigations~~  
16           ~~functions~~] investigator positions of the department of  
17           the attorney general, functions of the office of  
18           homeland security, and current law enforcement and

S.B. NO. 1337

1 investigations functions of the department of public  
2 safety;

3 (2) Rename the department of public safety as the  
4 department of corrections and rehabilitation, which  
5 will administer the corrections, rehabilitation,  
6 reentry, and related functions currently assigned to  
7 the department of public safety;

8 (3) Establish a training center within the department of  
9 law enforcement;

10 (4) Transfer employees, appropriations, records,  
11 equipment, leases, contracts, other documents, rules,  
12 policies, procedures, guidelines, and other material,  
13 as appropriate, to the respective departments; and

14 (5) Establish positions for the department of law  
15 enforcement and the department of corrections and  
16 rehabilitation, and appropriate funds for the  
17 department of law enforcement.

18 Currently, corrections and certain law enforcement  
19 functions and activities are placed within the department of  
20 public safety. The legislature finds that the goals and  
21 functions of corrections and law enforcement are different and  
22 distinct and separating the functions of corrections and law

S.B. NO. 1337

1 enforcement from the department of public safety into two  
2 departments would best accomplish the discrete goals and  
3 objectives of both functions.

4       The legislature further finds that state criminal law  
5 enforcement personnel and functions are currently spread across  
6 various departments. The department of public safety,  
7 department of transportation, and department of the attorney  
8 general all have independent law enforcement officers and  
9 different law enforcement duties. Because each department  
10 administers its own law enforcement duties, goals, and  
11 functions, training and operational standards differ between  
12 each department. Accordingly, the reorganization of certain  
13 state law enforcement functions into a single entity would  
14 provide the highest level of law enforcement service for the  
15 public, state employees, and state properties. Consolidation of  
16 certain state criminal law enforcement responsibilities into a  
17 single state department will centralize state law enforcement  
18 functions to increase public safety, improve decision making,  
19 promote accountability, streamline communication, decrease  
20 costs, reduce duplication of efforts, and provide uniform  
21 training and standards.

S.B. NO. 1337

1           The goals of the department of law enforcement would  
2 include:

3           (1) Establishing a partnership with the federal Joint  
4           Terrorism Task Force to protect the State from  
5           domestic and foreign threats;

6           (2) Eliminating the narcotics epidemic that plagues  
7           Hawaii's communities through its commitment of  
8           investigators in the federal High Intensity Drug  
9           Trafficking Area task forces;

10          (3) Expanding the narcotics canine program; and

11          (4) Reducing gun violence and other violent criminal acts  
12          in island communities through participation in the  
13          federal Project Safe Neighborhoods program.

14          This Act also establishes a training center within the  
15 department of law enforcement to provide its law enforcement  
16 entities the highest level of core and continuing education and  
17 training. The training center will also be made available to  
18 federal, state, and county law enforcement agencies upon their  
19 request. The development of a department of law enforcement  
20 training center, where all department of law enforcement  
21 officers who intend to work on any island of Hawaii must be  
22 certified, will ensure that all department of law enforcement

S.B. NO. 1337

1 officers meet the standards set by the law enforcement standards  
2 board established in chapter 139, Hawaii Revised Statutes. The  
3 center will also ensure that the individuals who earn its  
4 certification have learned the highest level of core and  
5 continuing education and training. The center's curriculum will  
6 be designed to ensure that the individuals trained here have the  
7 knowledge and skills to protect and serve the public and will be  
8 held accountable if they do not uphold the standards set by the  
9 law enforcement standards board.

10 The legislature also finds that consolidating adult  
11 corrections, reentry services, and other related functions into  
12 a separate department of corrections and rehabilitation will  
13 allow for the efficient use of resources in administering  
14 correctional programs and administering and maintaining public  
15 and private correctional services. The Hawaii correctional  
16 industries, Hawaii paroling authority, and crime victim  
17 compensation commission will be administered by the department  
18 of corrections and rehabilitation.

19 The legislature intends that patrol officers assigned to  
20 the department of law enforcement continue to retain the title  
21 of deputy sheriffs. During the Kingdom of Hawaii, sheriffs  
22 oversaw law enforcement activities on each island under the

S.B. NO. 1337

1 supervision of a kingdom-wide marshal. From 1905 to 1960,  
2 sheriffs protected the public as elected county officials,  
3 including Duke Kahanamoku, who was elected Honolulu sheriff from  
4 1934 to 1960. Modern-day deputy sheriffs have protected the  
5 people of Hawaii for nearly fifty years, beginning in 1963 when  
6 the legislature created the office of the sheriff within the  
7 department of the attorney general.

8       The legislature does not intend to impair or diminish the  
9 longstanding authority and responsibility of county police  
10 departments to enforce the laws, along with state law  
11 enforcement, on state lands within their respective  
12 counties. County police departments will continue to have full  
13 law enforcement authority and responsibility, and in particular  
14 will continue to have concurrent jurisdiction with respect to  
15 state parks, state buildings, state highways, Hawaiian home  
16 lands, and other state lands and facilities.

17       Part II of this Act is to be effective upon approval of  
18 this Act. Part II establishes a department of law enforcement  
19 and its director and deputy directors. The department of law  
20 enforcement will initially be staffed by its director, deputy  
21 directors, and certain administrative staff. These personnel

S.B. NO. 1337

1 will prepare for the transfer of state law enforcement functions  
2 and personnel to the department on January 1, 2024.

3 Part III of this Act is to be effective on January 1,  
4 2024. Part III transfers the law enforcement functions and  
5 personnel from the department of public safety to the department  
6 of law enforcement and makes conforming amendments.

7 Part IV of this Act is to be effective on January 1,  
8 2024. Part IV renames the department of public safety as the  
9 department of corrections and rehabilitation and the director of  
10 public safety as the director of corrections and rehabilitation,  
11 establishes its deputy directors, and makes conforming  
12 amendments so that the authority and responsibilities of the  
13 department of corrections and rehabilitation are set forth in  
14 chapter 353, Hawaii Revised Statutes, while the authority and  
15 responsibilities of the department of law enforcement are set  
16 forth in chapter 353C, Hawaii Revised Statutes.

17 Part V of this Act is to be effective on January 1,  
18 2024. Part V transfers the law enforcement and security  
19 functions and personnel of the harbors division of the  
20 department of transportation, [~~the non-statutorily mandated~~  
21 ~~functions and~~] certain law enforcement personnel of the  
22 investigations division of the department of the attorney

S.B. NO. 1337

1 general, and the office of homeland security of the department  
2 of defense to the department of law enforcement.

3 Part VI of this Act provides for the retention of civil  
4 service status and related rights of transferred employees and  
5 transfers any appropriations, equipment, contracts, leases,  
6 policies, rules, guidelines, and other items to the respective  
7 departments as provided in this Act.

8 Part VII of this Act is to be effective on July 1,  
9 2022. Part VII establishes new positions within the department  
10 of law enforcement that are required for the department's  
11 operations. These positions include the director of law  
12 enforcement, deputy directors, and certain administrative  
13 positions that will staff the department, as well as new  
14 positions that will be required when parts III and V take effect  
15 on January 1, 2024. Part VII also appropriates funds to the  
16 department of law enforcement to fill certain positions that  
17 will be required to prepare the department for the transfer of  
18 functions, personnel, and assets from other departments on  
19 January 1, 2024. Part VII further requires the department of  
20 law enforcement to report to the legislature, no later than  
21 twenty days prior to the convening of the regular session of



S.B. NO. 1337

1 2023, the progress made in preparing for the transfer of law  
2 enforcement functions to the department on January 1, 2024.

3 Part VIII of this Act is to be effective on January 1,  
4 2024. Part VIII establishes new positions within the department  
5 of corrections and rehabilitation that will be required for the  
6 operation of the department when parts III and IV take effect on  
7 January 1, 2024."

8 SECTION 3. Act 278, Session Laws of Hawaii 2022, is  
9 amended by amending section 7 to read as follows:

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

13 "§353C- **Statewide law enforcement training center; law**  
14 **enforcement complex.** There is established within the department  
15 a department of law enforcement training center. The center  
16 shall provide training and administer certification requirements  
17 of all state department of law enforcement personnel who  
18 exercise police powers in the State, and be available for all  
19 county law enforcement agencies[-] and other state law  
20 enforcement personnel who exercise police powers in the State.  
21 Such training shall conform to uniform statewide standards set  
22 by the law enforcement standards board pursuant to chapter 139.

S.B. NO. 1337

1 The center shall operate and maintain such facilities as are  
2 necessary to conduct training and certification under this  
3 section. A new law enforcement complex at the [Mililani  
4 ~~technology park,~~] first responder technology campus, Oahu, is  
5 also established, to be administered by the department of law  
6 enforcement for multi-purpose law enforcement use to consolidate  
7 and support:

8 (1) The respective headquarters and administrative  
9 services of the affected functions involved;

10 (2) Training; and

11 (3) Related support services and facilities,

12 as required by law for the department of law enforcement to  
13 operate and function."

14 SECTION 4. Act 278, Session Laws of Hawaii 2022, is  
15 amended by amending section 11 to read as follows:

16 "SECTION 11. Section 353C-2, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "353C-2 Director of law enforcement; powers and duties.

19 The director of law enforcement shall administer the public  
20 safety programs of the department and shall be responsible for  
21 the formulation and implementation of state goals and objectives  
22 for state criminal law enforcement programs and homeland

S.B. NO. 1337

1 security, including the deployment of adequate resources and  
2 coordination with county police departments to protect the  
3 health and safety of homestead communities on Hawaiian home  
4 lands. In the administration of these programs, the director  
5 may:

- 6 (1) Preserve the public peace, prevent crime, detect and  
7 arrest offenders against the law, protect the rights  
8 of persons and property, and enforce and prevent  
9 violations of all laws and administrative rules of the  
10 State as the director deems to be necessary or  
11 desirable upon request, to assist other state officers  
12 or agencies that have primary administrative  
13 responsibility over specific subject matters or  
14 programs;
- 15 (2) Train, equip, maintain, and supervise the force of law  
16 enforcement officers and other employees of the  
17 department;
- 18 (3) Serve process both in civil and criminal proceedings;
- 19 (4) Perform other duties as may be required by law;
- 20 (5) Adopt, pursuant to chapter 91, rules that are  
21 necessary or desirable for the administration of state  
22 criminal law enforcement programs; and

S.B. NO. 1337

1           (6) Enter into contracts on behalf of the department and  
2           take all actions deemed necessary and appropriate for  
3           the proper and efficient administration of the  
4           department." "

5           SECTION 5. Act 278, Session Laws of Hawaii 2022, is  
6 amended by amending section 21 to read as follows:

7           "SECTION 21. Section 26-14.6, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§26-14.6 Department of corrections and rehabilitation.**

10          (a) The department of corrections and rehabilitation shall be  
11 headed by a single executive to be known as the director of  
12 corrections and rehabilitation.

13          (b) The department of corrections and rehabilitation shall  
14 be responsible for the formulation and implementation of state  
15 policies and objectives for the correctional system statewide  
16 and for the administration and maintenance of all public or  
17 private correctional facilities and services.

18          (c) Effective July 1, 1990, the Hawaii paroling authority  
19 and the crime victim compensation commission are placed within  
20 the department of public safety for administrative purposes  
21 only, and effective January 1, 2024, the Hawaii paroling  
22 authority and the crime victim compensation commission are

§.B. NO. 1337

1 placed within the department of corrections and rehabilitation  
2 for administrative purposes only.

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

5 (1) The department of corrections relating to adult  
6 corrections and the intake service centers;

7 (2) The judiciary relating to the sheriff's office and  
8 judiciary security personnel; and

9 (3) The department of the attorney general relating to  
10 state law enforcement officers and narcotics  
11 enforcement investigators with the narcotics  
12 enforcement division,

13 shall be transferred to the department of public safety.

14 Effective January 1, 2024, the functions and authority  
15 transferred in paragraph (1) shall be transferred to the  
16 department of corrections and rehabilitation, and the functions  
17 and authority transferred in paragraphs (2) and (3) shall be  
18 transferred to the department of law enforcement.

19 (e) Effective July 1, 1990, the functions and authority  
20 heretofore exercised by the department of health pursuant to  
21 chapters 329 and 329C, with the exception of sections 329-2,  
22 329-3, and 329-4(3) to [~~4~~], (5), shall be transferred to the

S.B. NO. 1337

1 department of public safety; and effective January 1, 2024,  
2 those functions and authority shall be transferred to the  
3 department of law enforcement.

4 (f) Effective July 1, 1990, the functions, authority, and  
5 obligations, together with the limitations imposed thereon and  
6 the privileges and immunities conferred thereby, exercised by a  
7 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's  
8 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",  
9 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,  
10 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,  
11 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,  
12 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 603-  
13 29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12,  
14 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13,  
15 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18,  
16 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same  
17 extent by the department of public safety; and effective  
18 January 1, 2024, those functions, authority, and obligations  
19 shall be exercised to the same extent by the department of law  
20 enforcement.

21 (g) Effective January 1, 1993, the functions and authority  
22 heretofore exercised by the attorney general and the department

S.B. NO. 1337

1 of the attorney general relating to the executive security  
2 officers shall be transferred to the department of public  
3 safety; and effective January 1, 2024, those functions and  
4 authority shall be transferred to the department of law  
5 enforcement.

6 (h) Effective July 1, 1999, the functions and authority  
7 heretofore exercised by the director of public safety and the  
8 department of public safety relating to after hours security  
9 contracts at department of education facilities, except for the  
10 security functions being performed by employees of the public  
11 library system as well as the contractual security services for  
12 the libraries, shall be transferred to the department of  
13 education.

14 (i) Effective January 1, 1993, the functions and authority  
15 heretofore exercised by the director of health and the  
16 department of health relating to uniformed security employees  
17 and security contracts at various state hospitals throughout the  
18 State shall be transferred to the department of public safety;  
19 and effective January 1, 2024, those functions and authority  
20 shall be transferred to the [~~department of law enforcement.~~]  
21 department of health. Effective July 1, 2005, the functions,  
22 authority, and employee positions of the department of public

S.B. NO. 1337

1 safety relating to uniformed security employees and security  
2 contracts at health facilities that are under the operation,  
3 management, and control of the Hawaii health systems corporation  
4 shall be transferred to the Hawaii health systems corporation.

5 (j) Effective January 1, 1993, the functions and authority  
6 heretofore exercised by the director of human services and the  
7 department of human services relating to contractual security  
8 guard services shall be transferred to the department of public  
9 safety; and effective January 1, 2024, those functions and  
10 authority shall be transferred to the [~~department of law~~  
11 ~~enforcement.~~] department of human services.

12 (k) Effective July 1, 1994, the functions and authority  
13 heretofore exercised by the adjutant general relating to  
14 security for national guard and state emergency management  
15 facilities in the Diamond Head complex, for after work hours,  
16 shall be transferred to the department of public safety; and  
17 effective January 1, 2024, those functions and authority shall  
18 be transferred to the [~~department of law enforcement.~~]  
19 department of defense.

20 (l) Effective July 1, 2002, the functions and authority  
21 heretofore exercised by the director of public safety and the  
22 department of public safety relating to after hours security



S.B. NO. 1337

1 contracts at department of education facilities, including all  
2 security functions being performed by employees of the public  
3 library system, as well as the contractual security services for  
4 the libraries, shall be transferred to the department of  
5 education and the public library system as appropriate."

6 SECTION 6. Act 278, Session Laws of Hawaii 2022, is  
7 amended by amending section 34 to read as follows:

8 "SECTION 34. [~~All rights, powers, functions, and duties of~~  
9 ~~the employees of the investigations division of the]~~ The  
10 department of the attorney general [~~performing non-statutorily~~  
11 ~~mandated functions are transferred]~~ shall transfer one chief  
12 investigator position, nineteen investigator positions, and one  
13 administrative secretary position from the investigations  
14 division of the department of the attorney general to the  
15 department of law enforcement.

16 Nothing in this Act should be construed as infringing,  
17 amending, or abrogating, in whole or in part, the attorney  
18 general's role as chief legal and law enforcement officer of the  
19 State, or any rights, powers, functions, and duties of the  
20 attorney general."

21 SECTION 7. Act 278, Session Laws of Hawaii 2022, is  
22 amended by amending section 48 to read as follows:

S.B. NO. 1337

1 "SECTION 48. All appropriations, records, equipment,  
2 machines, files, supplies, contracts, books, papers, documents,  
3 maps, and other personal property heretofore made, used,  
4 acquired, or held by the department of transportation,  
5 department of the attorney general, department of public safety,  
6 and department of defense relating to the functions or positions  
7 transferred to the department of law enforcement or department  
8 of corrections and rehabilitation shall be transferred with the  
9 functions or positions to which they relate."

10 SECTION 8. Act 278, Session Laws of Hawaii 2022, is  
11 amended by amending section 49 to read as follows:

12 "Section 49. All leases, contracts, loans, agreements,  
13 permits, or other documents executed or entered into by or on  
14 behalf of the department of transportation, department of public  
15 safety, [~~department of the attorney general,~~] and department of  
16 defense pursuant to the provisions of the Hawaii Revised  
17 Statutes relating to the functions transferred to the department  
18 of law enforcement or department of corrections and  
19 rehabilitation that are reenacted or made applicable to the  
20 department of law enforcement or department of corrections and  
21 rehabilitation by this Act shall remain in full force and  
22 effect. Effective January 1, 2024, every reference to the

S.B. NO. 1337

1 department of public safety or the director of public safety in  
2 those leases, contracts, loans, agreements, permits, or other  
3 documents relating to the functions transferred to the  
4 department of law enforcement or department of corrections and  
5 rehabilitation shall be construed as a reference to the  
6 department of law enforcement or the director of law  
7 enforcement, or the department of corrections and rehabilitation  
8 or the director of corrections and rehabilitation, as  
9 appropriate. Effective January 1, 2024, every reference to the  
10 department of transportation or the director of transportation,  
11 [~~department of the attorney general or the attorney general,~~] or  
12 the department of defense or the state adjutant general in those  
13 leases, contracts, loans, agreements, permits, or other  
14 documents relating to the functions transferred to the  
15 department of law enforcement or department of corrections and  
16 rehabilitation shall be construed as a reference to the  
17 department of law enforcement or the director of law  
18 enforcement, as applicable. The department of the attorney  
19 general and the department of law enforcement shall identify  
20 leases, contracts, loans, agreements, permits, or other  
21 documents executed or entered into by or on behalf of the  
22 department of the attorney general concerning the positions

S.B. NO. 1337

1 transferred from the investigations division of the department  
2 of the attorney general and negotiate the transfer of criminal  
3 law enforcement obligations thereunder to the department of law  
4 enforcement, effective January 1, 2024."

5 SECTION 9. Act 278, Session Laws of Hawaii 2022, is  
6 amended by amending section 55 to read as follows:

7 "SECTION 55. All laws and parts of laws heretofore enacted  
8 that are in conflict with the provisions of this Act are hereby  
9 amended to conform herewith[.]; provided that no laws and parts  
10 of laws concerning the attorney general or the department of the  
11 attorney general, including chapter 28, Hawaii Revised Statutes,  
12 shall be amended or modified by this Act. All Acts passed  
13 during this regular session of 2022, whether enacted before or  
14 after the passage of this Act, shall be amended to conform to  
15 this Act, unless the Acts specifically provide that the Act  
16 relating to a "department of public safety" are being  
17 amended[-]; provided that no laws and parts of laws concerning  
18 the attorney general or the department of the attorney general,  
19 including chapter 28, Hawaii Revised Statutes, shall be amended  
20 or modified by this Act. Amendments made to sections of the  
21 Hawaii Revised Statutes that are amended by this Act as of a  
22 future effective date shall include amendments made after the

S.B. NO. 1337

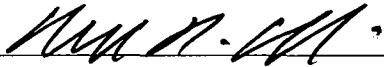
1 approval of this Act and before the effective date of the  
2 amendments made by this Act, to the extent that the intervening  
3 amendments may be harmonized with the amendments made by this  
4 Act."

5 SECTION 10. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 11. This Act shall take effect upon its approval.

8

9

INTRODUCED BY: 

10

BY REQUEST

# S.B. NO. 1337

**Report Title:**

Act 278, Session Laws of Hawaii 2022; Attorney General;  
Department of the Attorney General; Department of Defense;  
Department of Health, Department of Human Services;  
Investigators; Private Security Contracts

**Description:**

Amends Act 278, Session Laws of Hawaii 2022, to modify the transfer of the personnel and functions of the Department of the Attorney General to the Department of Law Enforcement, clarify that Act 278 does not amend or abrogate the Attorney General's status as the Chief Legal and Law Enforcement Officer of the State, specify that the Statewide Law enforcement Training Complex will be located at the First Responder Technology Campus rather than the Mililani Technology Park, and transfer the responsibility and management of certain private security contracts under section 26-14.6, Hawaii Revised Statutes, from the Department of Law Enforcement to the Department of Defense, the Department of Health, and the Department of Human Services for their respective facilities.

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

JUSTIFICATION SHEET

**SB. NO. 1337**

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022.

PURPOSE: To amend Act 278, Session Laws of Hawaii 2022, to modify the transfer of the personnel and functions of the Department of the Attorney General to the Department of Law Enforcement; clarify that Act 278 does not amend or abrogate the Attorney General's status as the chief legal and law enforcement officer of the State; specify that the Statewide Law enforcement Training Complex will be located at the First Responder Technology Campus rather than the Mililani Technology Park; and transfer the responsibility and management of certain private security contracts under section 26-14.6, Hawaii Revised Statutes, from the Department of Law Enforcement to the Department of Defense (DOD), the Department of Health (DOH), and the Department of Human Services (DHS) for their respective facilities.

MEANS: Amend section 26-14.8, Hawaii Revised Statutes, sections 1, 7, 11, 21, 34, 48, 49, 55 of Act 278, Session Laws of Hawaii 2022.

JUSTIFICATION: The proposed amendment modifies the transfer of the personnel and functions of the Department of the Attorney General to the Department of Law Enforcement while clarifying that Act 278 does not amend or abrogate the Attorney General's status as the Chief Legal and Law Enforcement Officer of the State.

Act 278 incorrectly identified the Mililani Technology Park as the location of the Statewide Law Enforcement Training Center and Law Enforcement Complex when it should

# SB. NO. 1337

have been the First Responder Technology Campus.

Additionally, transferring the management of private security contracts from the Department of Law Enforcement to DOD, DOH, and DHS for their respective facilities will increase efficiencies by ensuring the departments retain greater control of these contracts, based on their direct access to on-the-ground information.

Impact on the public: There will be little or no impact to the public.

Impact on the department and other agencies: The proposed measure will eliminate the Department of Law Enforcement's involvement in managing private security contracts for the facilities of the DOD, DOH, and DHS and increase the efficiencies and control for these departments.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LAW 900.

OTHER AFFECTED  
AGENCIES: Department of the Attorney General,  
Department of Defense, Department of Health,  
and Department of Human Services.

EFFECTIVE DATE: Upon approval.