
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT OFFICERS.

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

1 SECTION 1. The legislature finds that law enforcement
2 officers are authorized to use physical force to enforce laws
3 and should be held to the highest standards to ensure that this
4 authority is not abused. Appropriate disciplinary actions
5 should be taken against law enforcement officers who commit acts
6 of misconduct. The legislature believes that states must take
7 the initiative to address officer discipline, as federal action
8 on this issue has been lacking.

9 The legislature also finds that otherwise-qualified law
10 enforcement officers should not be denied the opportunity to
11 serve based solely on low-level drug-related offenses.

12 The purpose of this Act is to:

13 (1) Require law enforcement agencies and the law
14 enforcement standards board to consult the National
15 Decertification Index and ensure the reporting of
16 officer misconduct to the Index;



- 1 (2) Require the reporting of certain domestic violence
2 records to the National Decertification Index,
3 notwithstanding any contrary law or court order
4 regarding the sealing of those records; and
- 5 (3) Provide that a law enforcement officer's conviction
6 for promoting a detrimental drug in the third degree
7 under section 712-1249, Hawaii Revised Statutes, or
8 any substantially similar drug-related offense shall
9 not serve as the sole reason to deny certification or
10 employment to that officer.

11 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
12 amended by adding two new sections to be appropriately
13 designated and to read as follows:

14 "§139- National Decertification Index; participation;
15 reporting. (a) Before certifying or employing any law
16 enforcement officer, the board and the employing law enforcement
17 agency shall consult the National Decertification Index.

18 (b) The board and an employing law enforcement agency
19 shall ensure that each disciplinary action taken against a law
20 enforcement officer is reported to the National Decertification
21 Index.



1 (c) Records relevant to a law enforcement officer's acts
2 of domestic violence shall be included in any report submitted
3 pursuant to subsection (b), to the extent necessary for the
4 purposes of subsection (b), notwithstanding:

- 5 (1) Any other law to the contrary; or
6 (2) Any order by any state court regarding the sealing of
7 those records.

8 **§139- Certain drug offenses; certification; employment.**

9 Notwithstanding any other provision of this chapter or other law
10 to the contrary, a law enforcement officer's conviction for
11 promoting a detrimental drug in the third degree under section
12 712-1249 or any substantially similar drug-related offense shall
13 not serve as the sole reason for:

- 14 (1) The board to deny, suspend, or revoke the law
15 enforcement officer's certification; or
16 (2) An employing law enforcement agency to deny employment
17 to or terminate the employment of the law enforcement
18 officer."

19 SECTION 3. Section 139-1, Hawaii Revised Statutes, is
20 amended by adding two new definitions to be appropriately
21 inserted and to read as follows:



1 "Law enforcement agency" means:
2 (1) A county police department;
3 (2) The department of law enforcement; or
4 (3) The department of land and natural resources,
5 department of taxation, or department of the attorney
6 general.

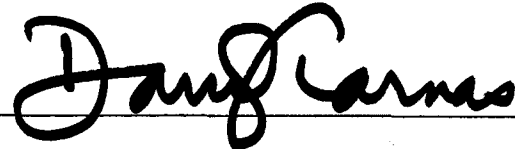
7 "National Decertification Index" means the National
8 Decertification Index, or any successor index, as maintained by
9 the International Association of Directors of Law Enforcement,
10 or any successor entity."

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect on July 1, 2024.

13

INTRODUCED BY:



JAN 16 2024



H.B. NO. 1611

Report Title:

Police; Law Enforcement Standards Board; Certification;
Employment

Description:

Requires law enforcement agencies and the Law Enforcement Standards Board to consult the National Decertification Index and ensure reporting of officer misconduct to the Index. Requires reporting of certain domestic violence records to the National Decertification Index, notwithstanding any contrary law or court order. Provides that a law enforcement officer's conviction for promoting a detrimental drug in the third degree under section 712-1249, HRS, or any similar drug-related offense shall not serve as the sole reason to deny certification or employment to the officer.

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

