
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that section 139-2,
2 Hawaii Revised Statutes, established a law enforcement standards
3 board for the certification of law enforcement officers,
4 including county police officers and law enforcement officers of
5 the departments of law enforcement, land and natural resources,
6 taxation, and attorney general.

7 The law enforcement standards board is responsible for
8 establishing minimum standards for employment as a law
9 enforcement officer and certifying persons qualified as law
10 enforcement officers. It is also responsible for establishing
11 minimum criminal justice curriculum requirements for basic,
12 specialized, and in-service courses and programs for the
13 training of law enforcement officers. It must consult and
14 cooperate with the counties, state agencies, other governmental
15 agencies, universities and colleges, and other institutions
16 concerning the development of law enforcement officer training
17 schools and programs. The board is also responsible for



1 regulating and enforcing the certification requirements of law
2 enforcement officers.

3 These are important and substantial duties that require
4 evaluation to ensure that existing legal obligations are not
5 compromised. Before imposing new standards impacting the
6 employment of law enforcement officers, the board must consider
7 collective bargaining and other employment requirements. At a
8 minimum, the board must evaluate how probationary periods,
9 training requirements, including the types of training, the
10 number of hours of training, and the availability of training
11 facilities; and the issuance, suspension, and revocation of
12 certification, will impact obligations already established by
13 law.

14 This evaluation should include consideration of the study
15 conducted by the legislative reference bureau pursuant to Act
16 124, Session Laws of Hawaii 2018, and any additional study
17 necessary to determine the impact of uniform standards,
18 certification, and training for all law enforcement officers.
19 The board has determined that it will need significantly more
20 time and resources to accomplish its mission.

21 The purpose of this Act is to:



- 1 (1) Exempt the administrator of the law enforcement
- 2 standards board from civil service laws;
- 3 (2) Amend the membership requirements for the law
- 4 enforcement standards board to facilitate more
- 5 meaningful participation and representation;
- 6 (3) Require the board to consider studies relevant to its
- 7 objectives and conduct its own study on how to satisfy
- 8 its duties; and
- 9 (4) Establish new deadlines for the completion of the
- 10 board's significant responsibilities.

11 SECTION 2. Section 76-16, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The civil service to which this chapter applies shall
14 comprise all positions in the State now existing or hereafter
15 established and embrace all personal services performed for the
16 State, except the following:

- 17 (1) Commissioned and enlisted personnel of the Hawaii
- 18 National Guard as such, and positions in the Hawaii
- 19 National Guard that are required by state or federal
- 20 laws or regulations or orders of the National Guard to



- 1 be filled from those commissioned or enlisted
2 personnel;
- 3 (2) Positions filled by persons employed by contract where
4 the director of human resources development has
5 certified that the service is special or unique or is
6 essential to the public interest and that, because of
7 circumstances surrounding its fulfillment, personnel
8 to perform the service cannot be obtained through
9 normal civil service recruitment procedures. Any such
10 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply
12 with a court order or decree if the director
13 determines that recruitment through normal recruitment
14 civil service procedures would result in delay or
15 noncompliance, such as the Felix-Cayetano consent
16 decree;
- 17 (4) Positions filled by the legislature or by either house
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of
20 the lieutenant governor, and household employees at
21 Washington Place;



- 1 (6) Positions filled by popular vote;
- 2 (7) Department heads, officers, and members of any board,
3 commission, or other state agency whose appointments
4 are made by the governor or are required by law to be
5 confirmed by the senate;
- 6 (8) Judges, referees, receivers, masters, jurors, notaries
7 public, land court examiners, court commissioners, and
8 attorneys appointed by a state court for a special
9 temporary service;
- 10 (9) One bailiff for the chief justice of the supreme court
11 who shall have the powers and duties of a court
12 officer and bailiff under section 606-14; one
13 secretary or clerk for each justice of the supreme
14 court, each judge of the intermediate appellate court,
15 and each judge of the circuit court; one secretary for
16 the judicial council; one deputy administrative
17 director of the courts; three law clerks for the chief
18 justice of the supreme court, two law clerks for each
19 associate justice of the supreme court and each judge
20 of the intermediate appellate court, one law clerk for
21 each judge of the circuit court, two additional law



1 clerks for the civil administrative judge of the
2 circuit court of the first circuit, two additional law
3 clerks for the criminal administrative judge of the
4 circuit court of the first circuit, one additional law
5 clerk for the senior judge of the family court of the
6 first circuit, two additional law clerks for the civil
7 motions judge of the circuit court of the first
8 circuit, two additional law clerks for the criminal
9 motions judge of the circuit court of the first
10 circuit, and two law clerks for the administrative
11 judge of the district court of the first circuit; and
12 one private secretary for the administrative director
13 of the courts, the deputy administrative director of
14 the courts, each department head, each deputy or first
15 assistant, and each additional deputy, or assistant
16 deputy, or assistant defined in paragraph (16);
17 (10) First deputy and deputy attorneys general, the
18 administrative services manager of the department of
19 the attorney general, one secretary for the
20 administrative services manager, an administrator and
21 any support staff for the criminal and juvenile



1 justice resources coordination functions, and law
2 clerks;

3 (11) (A) Teachers, principals, vice-principals, complex
4 area superintendents, deputy and assistant
5 superintendents, other certificated personnel, no
6 more than twenty noncertificated administrative,
7 professional, and technical personnel not engaged
8 in instructional work;

9 (B) Effective July 1, 2003, teaching assistants,
10 educational assistants, bilingual/bicultural
11 school-home assistants, school psychologists,
12 psychological examiners, speech pathologists,
13 athletic health care trainers, alternative school
14 work study assistants, alternative school
15 educational/supportive services specialists,
16 alternative school project coordinators, and
17 communications aides in the department of
18 education;

19 (C) The special assistant to the state librarian and
20 one secretary for the special assistant to the
21 state librarian; and



- 1 (D) Members of the faculty of the University of
2 Hawaii, including research workers, extension
3 agents, personnel engaged in instructional work,
4 and administrative, professional, and technical
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state
9 institutions, and persons with severe physical or
10 mental disabilities participating in the work
11 experience training programs;
- 12 (B) Positions filled with students in accordance with
13 guidelines for established state employment
14 programs; and
- 15 (C) Positions that provide work experience training
16 or temporary public service employment that are
17 filled by persons entering the workforce or
18 persons transitioning into other careers under
19 programs such as the federal Workforce Investment
20 Act of 1998, as amended, or the Senior Community
21 Service Employment Program of the Employment and



1 Training Administration of the United States
2 Department of Labor, or under other similar state
3 programs;

4 (14) A custodian or guide at Iolani Palace, the Royal
5 Mausoleum, and Hulihee Palace;

6 (15) Positions filled by persons employed on a fee,
7 contract, or piecework basis, who may lawfully perform
8 their duties concurrently with their private business
9 or profession or other private employment and whose
10 duties require only a portion of their time, if it is
11 impracticable to ascertain or anticipate the portion
12 of time to be devoted to the service of the State;

13 (16) Positions of first deputies or first assistants of
14 each department head appointed under or in the manner
15 provided in section 6, article V, of the Hawaii State
16 Constitution; three additional deputies or assistants
17 either in charge of the highways, harbors, and
18 airports divisions or other functions within the
19 department of transportation as may be assigned by the
20 director of transportation, with the approval of the
21 governor; one additional deputy in the department of



1 human services either in charge of welfare or other
2 functions within the department as may be assigned by
3 the director of human services; four additional
4 deputies in the department of health, each in charge
5 of one of the following: behavioral health,
6 environmental health, hospitals, and health resources
7 administration, including other functions within the
8 department as may be assigned by the director of
9 health, with the approval of the governor; two
10 additional deputies in charge of the law enforcement
11 programs, administration, or other functions within
12 the department of law enforcement as may be assigned
13 by the director of law enforcement, with the approval
14 of the governor; three additional deputies each in
15 charge of the correctional institutions,
16 rehabilitation services and programs, and
17 administration or other functions within the
18 department of corrections and rehabilitation as may be
19 assigned by the director [~~of~~] of corrections and
20 rehabilitation, with the approval of the governor; an
21 administrative assistant to the state librarian; and



1 an administrative assistant to the superintendent of
2 education;

3 (17) Positions specifically exempted from this part by any
4 other law; provided that:

5 (A) Any exemption created after July 1, 2014, shall
6 expire three years after its enactment unless
7 affirmatively extended by an act of the
8 legislature; and

9 (B) All of the positions defined by paragraph (9)
10 shall be included in the position classification
11 plan;

12 (18) Positions in the state foster grandparent program and
13 positions for temporary employment of senior citizens
14 in occupations in which there is a severe personnel
15 shortage or in special projects;

16 (19) Household employees at the official residence of the
17 president of the University of Hawaii;

18 (20) Employees in the department of education engaged in
19 the supervision of students during meal periods in the
20 distribution, collection, and counting of meal



- 1 tickets, and in the cleaning of classrooms after
2 school hours on a less than half-time basis;
- 3 (21) Employees hired under the tenant hire program of the
4 Hawaii public housing authority; provided that [~~not~~]
5 no more than twenty-six per cent of the authority's
6 workforce in any housing project maintained or
7 operated by the authority shall be hired under the
8 tenant hire program;
- 9 (22) Positions of the federally funded expanded food and
10 nutrition program of the University of Hawaii that
11 require the hiring of nutrition program assistants who
12 live in the areas they serve;
- 13 (23) Positions filled by persons with severe disabilities
14 who are certified by the state vocational
15 rehabilitation office that they are able to perform
16 safely the duties of the positions;
- 17 (24) The sheriff;
- 18 (25) A gender and other fairness coordinator hired by the
19 judiciary;
- 20 (26) Positions in the Hawaii National Guard youth and adult
21 education programs;



- 1 (27) In the Hawaii state energy office in the department of
2 business, economic development, and tourism, all
3 energy program managers, energy program specialists,
4 energy program assistants, and energy analysts;
- 5 (28) Administrative appeals hearing officers in the
6 department of human services;
- 7 (29) In the Med-QUEST division of the department of human
8 services, the division administrator, finance officer,
9 health care services branch administrator, medical
10 director, and clinical standards administrator;
- 11 (30) In the director's office of the department of human
12 services, the enterprise officer, information security
13 and privacy compliance officer, security and privacy
14 compliance engineer, security and privacy compliance
15 analyst, information technology implementation
16 manager, assistant information technology
17 implementation manager, resource manager,
18 community/project development director, policy
19 director, special assistant to the director, and
20 limited English proficiency project
21 manager/coordinator;



- 1 (31) The Alzheimer's disease and related dementia services
2 coordinator in the executive office on aging;
- 3 (32) In the Hawaii emergency management agency, the
4 executive officer, public information officer, civil
5 defense administrative officer, branch chiefs, and
6 emergency operations center state warning point
7 personnel; provided that for state warning point
8 personnel, the director shall determine that
9 recruitment through normal civil service recruitment
10 procedures would result in delay or noncompliance;
- 11 (33) The executive director and seven full-time
12 administrative positions of the school facilities
13 authority;
- 14 (34) Positions in the Mauna Kea stewardship and oversight
15 authority;
- 16 (35) In the office of homeland security of the department
17 of law enforcement, the statewide interoperable
18 communications coordinator; [~~and~~]
- 19 (36) In the social services division of the department of
20 human services, the business technology analyst[-];
21 and



1 (37) The administrator for the law enforcement standards
2 board.

3 The director shall determine the applicability of this
4 section to specific positions.

5 Nothing in this section shall be deemed to affect the civil
6 service status of any incumbent as it existed on July 1, 1955."

7 SECTION 3. Section 139-2, Hawaii Revised Statutes, is
8 amended by amending subsections (a) and (b) to read as follows:

9 "(a) There [~~is~~] shall be established the law enforcement
10 standards board within the department of the attorney general
11 for administrative purposes only. The purpose of the board
12 shall be to provide programs and standards for training and
13 certification of law enforcement officers. The law enforcement
14 standards board shall consist of the following voting members:
15 eight ex officio individuals[~~, two~~] or their designees, five law
16 enforcement officers, and four members of the public[~~-~~];
17 provided that:

18 (1) The eight ex officio members of the board shall
19 consist of the:

20 (A) Attorney general[~~-~~] or the attorney general's
21 designee;



- 1 (B) Director of law enforcement[+] or the director's
2 designee;
- 3 (C) Chairperson of the board of land and natural
4 resources or the chairperson's designee;
- 5 (D) Director of taxation or the director's designee;
6 and
- 7 (E) Chiefs of police of the four counties[+] or the
8 designees of each of the chiefs of police;
- 9 (2) The [~~two~~] five law enforcement officers shall [~~each~~]
10 be persons other than the chiefs of police or
11 designees described in paragraph (1)(E) and shall
12 consist of:
- 13 (A) One county law enforcement officer from each of
14 the four counties; and
- 15 (B) One state law enforcement officer.
- 16 Each law enforcement officer described in this
17 paragraph shall have at least ten years of experience
18 as a law enforcement officer [~~and~~], shall be appointed
19 by the governor[+], and, notwithstanding section 26-
20 34, shall be appointed without the advice and consent
21 of the senate; and



- 1 (3) The [~~four members of the~~] public members shall consist
2 of one member [~~of the public~~] from each of the four
3 counties [~~and~~], each of whom shall be appointed by the
4 governor[~~er~~], and, notwithstanding section 26-34, shall
5 be appointed without the advice and consent of the
6 senate. At least two of the four members of the
7 public holding a position on the board at any given
8 time shall:
- 9 (A) Possess a master's or doctorate degree related to
10 criminal justice;
- 11 (B) Possess a law degree and have experience:
- 12 (i) Practicing in Hawaii as a deputy attorney
13 general, deputy prosecutor, deputy public
14 defender, or private criminal defense
15 attorney; or
- 16 (ii) Litigating constitutional law issues in
17 Hawaii;
- 18 (C) Be a recognized expert in the field of criminal
19 justice, policing, or security; or
- 20 (D) Have work experience in a law enforcement
21 capacity[~~; provided that experience in a county~~]



1 ~~police department shall not itself be sufficient~~
2 ~~to qualify under this paragraph].~~

3 (b) The law enforcement officers and the members of the
4 public on the board shall serve for a term of [~~three~~] four
5 years[~~7~~]; provided that the initial terms shall be staggered, as
6 determined by the governor."

7 SECTION 4. Section 139-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§139-3 Powers and duties of the board.** The board shall:

- 10 (1) Adopt rules in accordance with chapter 91 to implement
11 this chapter;
- 12 (2) Establish minimum standards for employment as a law
13 enforcement officer and to certify persons to be
14 qualified as law enforcement officers;
- 15 (3) Establish criteria and standards in which a person who
16 has been denied certification, whose certification has
17 been revoked by the board, or whose certification has
18 lapsed may reapply for certification;
- 19 (4) Establish minimum criminal justice curriculum
20 requirements for basic, specialized, and in-service
21 courses and programs for schools operated by or for



- 1 the State or a county for the specific purpose of
2 training law enforcement officers;
- 3 (5) Consult and cooperate with the counties, agencies of
4 the State, other governmental agencies, universities,
5 colleges, and other institutions concerning the
6 development of law enforcement officer training
7 schools and programs of criminal justice instruction;
- 8 (6) Employ [~~subject to chapter 76,~~] an administrator,
9 without regard to chapter 76, and other persons
10 necessary to carry out its duties under this chapter;
- 11 (7) Investigate when there is reason to believe that a law
12 enforcement officer does not meet the minimum
13 standards for employment, and in so doing, may:
- 14 (A) Subpoena persons, books, records, or documents;
15 (B) Require answers in writing under oath to
16 questions asked by the board; and
17 (C) Take or cause to be taken depositions as needed
18 in investigations, hearings, and other
19 proceedings,
20 related to the investigation;



- 1 (8) Establish and require participation in continuing
2 education programs for law enforcement officers;
- 3 (9) Have the authority to charge and collect fees for
4 applications for certification as a law enforcement
5 officer;
- 6 (10) Establish procedures and criteria for the revocation
7 of certification issued by the board;
- 8 (11) Have the authority to revoke certifications; [~~and~~]
- 9 (12) Review and recommend statewide policies and procedures
10 relating to law enforcement, including the use of
11 force[~~-~~];
- 12 (13) Consider studies relevant to the board's objectives,
13 including the study that examines consolidating the
14 law enforcement activities and responsibilities of
15 various state divisions and agencies under a single,
16 centralized state enforcement division or agency,
17 conducted pursuant to Act 124, Session Laws of Hawaii
18 2018; and
- 19 (14) Conduct its own study to evaluate how to efficiently
20 and effectively satisfy its duties in accordance with
21 the law."



1 SECTION 5. Section 139-6, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:

3 "(a) No person may be appointed or employed as a law
4 enforcement officer after June 30, 2026, unless the person:

- 5 (1) Has satisfactorily completed a basic program of law
6 enforcement training approved by the board;
- 7 (2) Has received training designed to minimize the use of
8 excessive force, including legal standards, de-
9 escalation techniques, crisis intervention tactics,
10 mental health response, implicit bias, and first aid;
11 and
- 12 (3) Possesses other qualifications as prescribed by the
13 board for the employment of law enforcement officers,
14 including minimum age, education, physical and mental
15 standards, citizenship, good conduct, moral character,
16 and experience.

17 (b) [~~The~~] Beginning on July 1, 2026, the board shall issue
18 a certification to an applicant or law enforcement officer who
19 meets the requirements of subsection (a) or who has
20 satisfactorily completed a program or course of instruction in



1 another jurisdiction that the board deems to be equivalent in
2 content and quality to the requirements of subsection (a)."

3 SECTION 6. Section 139-7, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) No person shall be appointed or employed as a law
6 enforcement officer by any county police department, the
7 department of law enforcement, the department of land and
8 natural resources, the department of taxation, or the department
9 of the attorney general, after June 30, 2026, unless the person
10 possesses a valid certification issued by the board pursuant to
11 section 139-6(b)."

12 SECTION 7. Act 220, Session Laws of Hawaii 2018, as
13 amended by section 5 of Act 47, Session Laws of Hawaii 2020, is
14 amended by amending section 6 to read as follows:

15 "SECTION 6. This Act shall take effect on July 1, 2018[~~+~~
16 ~~provided that the law enforcement standards board established~~
17 ~~under this Act shall finalize its standards and certification~~
18 ~~process by December 31, 2021]."~~

19 SECTION 8. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before the effective date of this Act.



1 SECTION 9. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 10. This Act shall take effect on July 1, 3000.



Report Title:

Law Enforcement Standards Board; Civil Service; Exemption;
Membership; Powers and Duties; Deadline

Description:

Exempts the administrator of the Law Enforcement Standards Board from civil service laws. Clarifies membership and certain powers and duties of the Law Enforcement Standards Board and establishes new deadlines for the completion of board responsibilities. Takes effect 7/1/3000. (SD1)

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