
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

1 SECTION 1. Act 278, Session Laws of Hawaii 2022,
2 established a new department of law enforcement to consolidate
3 and administer state criminal law enforcement and investigations
4 functions for the purpose of providing the highest level of law
5 enforcement service for the public, state employees, and state
6 properties by centralizing state law enforcement functions to
7 increase public safety, improve decision making, promote
8 accountability, streamline communication, decrease costs, reduce
9 duplication of efforts, and provide uniform training and
10 standards.

11 The department of law enforcement has also been given the
12 mandate to establish a statewide law enforcement training center
13 within the department to provide core and continuing education
14 and training and that would be made available to state and
15 county law enforcement agencies. The statewide law enforcement
16 training center and its curriculum is intended to ensure
17 individuals trained there have the highest level of education



1 and training with knowledge and skills to protect and serve the
2 public. The training will also ensure that all officers meet
3 the standards set by the law enforcement standards board
4 established in chapter 139, Hawaii Revised Statutes, and are
5 held accountable if they do not uphold the standards set by the
6 law enforcement standards board. Section 353C-9, Hawaii Revised
7 Statutes, requires the department of law enforcement to "pursue
8 and obtain accreditation for the sheriff division from the
9 Commission on Accreditation for Law Enforcement Agencies, Inc."

10 The purpose of this Act is to:

- 11 (1) Require the department of law enforcement to pursue
12 and obtain accreditation from the Commission on
13 Accreditation for Law Enforcement Agencies, Inc., for
14 all divisions and sections within the department of
15 law enforcement, not just the sheriff's division; and
16 (2) Establish CALEA coordinator positions, exempt from
17 civil service, within the department of law
18 enforcement to ensure the department meets and
19 maintains the standards and accreditation of the
20 Commission on Accreditation for Law Enforcement
21 Agencies, Inc., and that law enforcement officers of



1 the department of law enforcement meet the standards
2 set by the law enforcement standards board.

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

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

- 9 (1) Commissioned and enlisted personnel of the Hawaii
10 National Guard as such, and positions in the Hawaii
11 National Guard that are required by state or federal
12 laws or regulations or orders of the National Guard to
13 be filled from those commissioned or enlisted
14 personnel;
- 15 (2) Positions filled by persons employed by contract where
16 the director of human resources development has
17 certified that the service is special or unique or is
18 essential to the public interest and that, because of
19 circumstances surrounding its fulfillment, personnel
20 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply
4 with a court order or decree if the director
5 determines that recruitment through normal recruitment
6 civil service procedures would result in delay or
7 noncompliance, such as the Felix-Cayetano consent
8 decree;
- 9 (4) Positions filled by the legislature or by either house
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of
12 the lieutenant governor, and household employees at
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,
16 commission, or other state agency whose appointments
17 are made by the governor or are required by law to be
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;
3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);
10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;
17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel, no
20 more than twenty noncertificated administrative,



- 1 professional, and technical personnel not engaged
2 in instructional work;
- 3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
- 13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
- 16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or
- 2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
- 4 institutions, and persons with severe physical or
- 5 mental disabilities participating in the work
- 6 experience training programs;
- 7 (B) Positions filled with students in accordance with
- 8 guidelines for established state employment
- 9 programs; and
- 10 (C) Positions that provide work experience training
- 11 or temporary public service employment that are
- 12 filled by persons entering the workforce or
- 13 persons transitioning into other careers under
- 14 programs such as the federal Workforce Investment
- 15 Act of 1998, as amended, or the Senior Community
- 16 Service Employment Program of the Employment and
- 17 Training Administration of the United States
- 18 Department of Labor, or under other similar state
- 19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
- 21 Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;
8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; one additional deputy in the department of
17 human services either in charge of welfare or other
18 functions within the department as may be assigned by
19 the director of human services; four additional
20 deputies in the department of health, each in charge
21 of one of the following: behavioral health,



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

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



- 1 (A) Any exemption created after July 1, 2014, shall
2 expire three years after its enactment unless
3 affirmatively extended by an act of the
4 legislature; and
- 5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;
- 8 (18) Positions in the state foster grandparent program and
9 positions for temporary employment of senior citizens
10 in occupations in which there is a severe personnel
11 shortage or in special projects;
- 12 (19) Household employees at the official residence of the
13 president of the University of Hawaii;
- 14 (20) Employees in the department of education engaged in
15 the supervision of students during meal periods in the
16 distribution, collection, and counting of meal
17 tickets, and in the cleaning of classrooms after
18 school hours on a less than half-time basis;
- 19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that [~~not~~]
21 no more than twenty-six per cent of the authority's



- 1 workforce in any housing project maintained or
2 operated by the authority shall be hired under the
3 tenant hire program;
- 4 (22) Positions of the federally funded expanded food and
5 nutrition program of the University of Hawaii that
6 require the hiring of nutrition program assistants who
7 live in the areas they serve;
- 8 (23) Positions filled by persons with severe disabilities
9 who are certified by the state vocational
10 rehabilitation office that they are able to perform
11 safely the duties of the positions;
- 12 (24) The sheriff;
- 13 (25) A gender and other fairness coordinator hired by the
14 judiciary;
- 15 (26) Positions in the Hawaii National Guard youth and adult
16 education programs;
- 17 (27) In the state energy office in the department of
18 business, economic development, and tourism, all
19 energy program managers, energy program specialists,
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the
- 2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human
- 4 services, the division administrator, finance officer,
- 5 health care services branch administrator, medical
- 6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human
- 8 services, the enterprise officer, information security
- 9 and privacy compliance officer, security and privacy
- 10 compliance engineer, security and privacy compliance
- 11 analyst, information technology implementation
- 12 manager, assistant information technology
- 13 implementation manager, resource manager,
- 14 community/project development director, policy
- 15 director, special assistant to the director, and
- 16 limited English proficiency project
- 17 manager/coordinator;
- 18 (31) The Alzheimer's disease and related dementia services
- 19 coordinator in the executive office on aging;
- 20 (32) In the Hawaii emergency management agency, the
- 21 executive officer, public information officer, civil



1 defense administrative officer, branch chiefs, and
2 emergency operations center state warning point
3 personnel; provided that for state warning point
4 personnel, the director shall determine that
5 recruitment through normal civil service recruitment
6 procedures would result in delay or noncompliance;

7 (33) The executive director and seven full-time
8 administrative positions of the school facilities
9 authority;

10 (34) Positions in the Mauna Kea stewardship and oversight
11 authority; [~~and~~]

12 (35) In the office of homeland security of the department
13 of law enforcement, the statewide interoperable
14 communications coordinator; [~~and~~]

15 (36) In the social services division of the department of
16 human services, the business technology analyst[~~-~~];
17 and

18 (37) In the department of law enforcement, five CALEA
19 coordinator positions.

20 The director shall determine the applicability of this
21 section to specific positions.



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

3 SECTION 3. Section 353C-9, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[+]§353C-9[+] Department accreditation required. The
6 department shall pursue and obtain accreditation for [~~the~~
7 ~~sheriff division~~] all divisions and sections within the
8 department from the Commission on Accreditation for Law
9 Enforcement Agencies, Inc."

10 SECTION 4. Five full-time equivalent (5.0 FTE) CALEA
11 coordinator positions shall be established within the department
12 of law enforcement to ensure the department meets and maintains
13 the standards and accreditation of the Commission on
14 Accreditation for Law Enforcement Agencies, Inc., and that law
15 enforcement officers of the department of law enforcement meet
16 the standards set by the law enforcement standards board
17 established in chapter 139, Hawaii Revised Statutes. These
18 positions shall be appointed and terminated by the director
19 without regard to chapter 76, Hawaii Revised Statutes. The
20 director may fix the compensation of these positions.



1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Department of Law Enforcement; Accreditation; Positions;
Exemption

Description:

Expands the requirement that the Department of Law Enforcement pursue and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc., to all divisions and sections within the Department. Establishes five CALEA coordinator positions, exempt from civil service, within the Department of Law Enforcement. (HD1)

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

