
A BILL FOR AN ACT

PROPOSING TO AMEND THE CONSTITUTION OF THE STATE OF HAWAII WITH
RESPECT TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

- 1 SECTION 1. The purpose of this Act is to amend the
2 Constitution of the State of Hawaii to facilitate the
3 administration of the department of law enforcement by:
- 4 (1) Providing that the department shall be headed by a
5 sheriff, who shall be elected at a special nonpartisan
6 election held every four years in conjunction with a
7 general election;
- 8 (2) Applying to the sheriff the same constitutional
9 impeachment and removal provisions that apply to the
10 governor and lieutenant governor;
- 11 (3) Providing that vacancies shall be filled as provided
12 by law; and
- 13 (4) Removing the department from the supervision of the
14 governor.
- 15 SECTION 2. Article III, section 19, of the Constitution of
16 the State of Hawaii is amended to read as follows:



1 "IMPEACHMENT

2 **Section 19.** The governor [~~and~~], lieutenant governor,
3 sheriff, and any appointive officer for whose removal the
4 consent of the senate is required, may be removed from office
5 upon conviction of impeachment for such causes as may be
6 provided by law.

7 The house of representatives shall have the sole power of
8 impeachment of the governor [~~and~~], lieutenant governor, and
9 sheriff, and the senate the sole power to try such impeachments,
10 and no such officer shall be convicted without the concurrence
11 of two-thirds of the members of the senate. When sitting for
12 that purpose, the members of the senate shall be on oath or
13 affirmation and the chief justice shall preside. Subject to the
14 provisions of this paragraph, the legislature may provide for
15 the manner and procedure of removal by impeachment of such
16 officers.

17 The legislature shall by law provide for the manner and
18 procedure of removal by impeachment of the appointive officers.

19 Judgments in cases of impeachment shall not extend beyond
20 removal from office and disqualification to hold and enjoy any
21 office of honor, trust or profit under the State; but the person



1 convicted may nevertheless be liable and subject to indictment,
2 trial, judgment and punishment as provided by law."

3 SECTION 3. Article V, section 6, of the Constitution of
4 the State of Hawaii is amended to read as follows:

5 **"EXECUTIVE AND ADMINISTRATIVE OFFICES**
6 **AND DEPARTMENTS**

7 **Section 6.** All executive and administrative offices,
8 departments and instrumentalities of the state government and
9 their respective powers and duties shall be allocated by law
10 among and within not more than twenty principal departments in
11 such a manner as to group the same according to common purposes
12 and related functions. Temporary commissions or agencies for
13 special purposes may be established by law and need not be
14 allocated within a principal department.

15 Each principal department, except the department of law
16 enforcement, shall be under the supervision of the governor
17 [~~and~~]. Further, unless otherwise provided in this constitution
18 or by law, each principal department shall be headed by a single
19 executive. [~~Such~~] Each single executive shall be nominated and,
20 by and with the advice and consent of the senate, appointed by
21 the governor[~~. That person~~], except as otherwise provided for
22 in this section. Each appointed executive shall hold office for



1 a term to expire at the end of the term for which the governor
2 was elected, unless sooner removed by the governor; except that
3 the removal of the chief legal officer of the State shall be
4 subject to the advice and consent of the senate.

5 The department of law enforcement shall be headed by a
6 single executive, a sheriff, who shall meet the same minimum
7 qualifications required of the governor. The sheriff shall be
8 elected as provided by law; provided that any election contest
9 shall be nonpartisan. The term of office of the sheriff shall
10 begin at noon on the first Monday in December next following the
11 sheriff's election and end at noon on the first Monday in
12 December, four years thereafter; provided that the term of
13 office of the first sheriff shall begin on the first Monday in
14 December 2026. No person shall be elected as sheriff for more
15 than two consecutive full terms. The sheriff shall not hold any
16 other office or employment of profit under the State or the
17 United States during the sheriff's term of office. In the event
18 of the impeachment of the sheriff, the sheriff shall not
19 exercise the powers of the applicable office until acquitted.
20 Vacancies in the office of sheriff shall be filled as provided
21 by law.



1 Except as otherwise provided in this constitution, whenever
2 a board, commission or other body shall be the head of a
3 principal department of the state government, the members
4 thereof shall be nominated and, by and with the advice and
5 consent of the senate, appointed by the governor. The term of
6 office and removal of such members shall be as provided by law.
7 Such board, commission or other body may appoint a principal
8 executive officer who, when authorized by law, may be an ex
9 officio, voting member thereof, and who may be removed by a
10 majority vote of the members appointed by the governor.

11 The governor shall nominate and, by and with the advice and
12 consent of the senate, appoint all officers for whose election
13 or appointment provision is not otherwise provided for by this
14 constitution or by law. If the manner of removal of an officer
15 is not prescribed in this constitution, removal shall be as
16 provided by law.

17 When the senate is not in session and a vacancy occurs in
18 any office, appointment to which requires the confirmation of
19 the senate, the governor may fill the office by granting a
20 commission which shall expire, unless such appointment is
21 confirmed, at the end of the next session of the senate. The
22 person so appointed shall not be eligible for another interim



1 appointment to such office if the appointment failed to be
2 confirmed by the senate.

3 No person who has been nominated for appointment to any
4 office and whose appointment has not received the consent of the
5 senate shall be eligible to an interim appointment thereafter to
6 such office.

7 Every officer appointed under the provisions of this
8 section shall be a citizen of the United States and shall have
9 been a resident of this State for at least one year immediately
10 preceding that person's appointment, except that this residency
11 requirement shall not apply to the president of the University
12 of Hawaii."

13 SECTION 4. The question to be printed on the ballot shall
14 be as follows:

15 "Shall the Constitution of the State of Hawaii be amended
16 to change the administration of the department of law
17 enforcement by:

18 (1) Providing that the department shall be headed by a
19 sheriff, who shall be elected at a special nonpartisan
20 election held every four years in conjunction with a
21 general election;



- 1 (2) Applying to the sheriff the same constitutional
- 2 impeachment and removal provisions that apply to the
- 3 governor and lieutenant governor;
- 4 (3) Providing that vacancies shall be filled as provided
- 5 by law; and
- 6 (4) Removing the department from the supervision of the
- 7 governor?"

8 SECTION 5. Constitutional material to be repealed is

9 bracketed and stricken. New constitutional material is


10 underscored.

11 SECTION 6. This amendment shall take effect upon

12 compliance with article XVII, section 3, of the Constitution of

13 the State of Hawaii.

14

INTRODUCED BY: 

JAN 22 2024



H.B. NO. 2205

Report Title:

State Constitution; Amendment; Elected Sheriff; Law Enforcement

Description:

Proposes to amend the Constitution of the State of Hawaii by:
(1) Providing that the Department of Law Enforcement shall be headed by an elected Sheriff; (2) Applying to the Sheriff the same constitutional impeachment and removal provisions that apply to the Governor and Lieutenant Governor; (3) Providing that vacancies shall be filled as provided by law; and (4) Removing the Department from the supervision of the Governor.

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

