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# 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; 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  
10          [~~such~~] contract may be for any period not exceeding  
11          one year;
- 12          (3) Positions that must be filled without delay to comply  
13          with a court order or decree if the director  
14          determines that recruitment through normal recruitment  
15          civil service procedures would result in delay or  
16          noncompliance, such as the Felix-Cayetano consent  
17          decree;
- 18          (4) Positions filled by the legislature or by either house  
19          or any committee thereof;



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



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



1 the attorney general, one secretary for the  
2 administrative services manager, an administrator and  
3 any support staff for the criminal and juvenile  
4 justice resources coordination functions, and law  
5 clerks;

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

12 (B) Effective July 1, 2003, teaching assistants,  
13 educational assistants, [~~bilingual/bicultural~~]  
14 bilingual or bicultural school-home assistants,  
15 school psychologists, psychological examiners,  
16 speech pathologists, athletic health care  
17 trainers, alternative school work study  
18 assistants, alternative school  
19 [~~educational/supportive~~] educational or  
20 supportive services specialists, alternative



- 1 school project coordinators, and communications  
2 aides in the department of education;
- 3 (C) The special assistant to the state librarian and  
4 one secretary for the special assistant to the  
5 state librarian; and
- 6 (D) Members of the faculty of the University of  
7 Hawaii, including research workers, extension  
8 agents, personnel engaged in instructional work,  
9 and administrative, professional, and technical  
10 personnel of the university;
- 11 (12) Employees engaged in special, research, or  
12 demonstration projects approved by the governor;
- 13 (13) (A) Positions filled by inmates, patients of state  
14 institutions, and persons with severe physical or  
15 mental disabilities participating in the work  
16 experience training programs;
- 17 (B) Positions filled with students in accordance with  
18 guidelines for established state employment  
19 programs; and
- 20 (C) Positions that provide work experience training  
21 or temporary public service employment that are





1 filled by persons entering the workforce or  
 2 persons transitioning into other careers under  
 3 programs such as the federal Workforce Investment  
 4 Act of 1998, as amended, or the Senior Community  
 5 Service Employment Program of the Employment and  
 6 Training Administration of the United States  
 7 Department of Labor, or under other similar state  
 8 programs;

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

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

18 (16) Positions of first deputies or first assistants of  
 19 each department head appointed under or in the manner  
 20 provided in section 6, article V, of the Hawaii State  
 21 Constitution; three additional deputies or assistants



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



1 administration or other functions within the  
2 department of corrections and rehabilitation as may be  
3 assigned by the director [~~of~~] of corrections and  
4 rehabilitation, with the approval of the governor; an  
5 administrative assistant to the state librarian; and  
6 an administrative assistant to the superintendent of  
7 education;

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

10 (A) Any exemption created after July 1, 2014, shall  
11 expire three years after its enactment unless  
12 affirmatively extended by an act of the  
13 legislature; and

14 (B) All of the positions defined by paragraph (9)  
15 shall be included in the position classification  
16 plan;

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



- 1 (19) Household employees at the official residence of the  
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in  
4 the supervision of students during meal periods in the  
5 distribution, collection, and counting of meal  
6 tickets, and in the cleaning of classrooms after  
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the  
9 Hawaii public housing authority; provided that ~~not~~  
10 no more than twenty-six per cent of the authority's  
11 workforce in any housing project maintained or  
12 operated by the authority shall be hired under the  
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and  
15 nutrition program of the University of Hawaii that  
16 require the hiring of nutrition program assistants who  
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities  
19 who are certified by the state vocational  
20 rehabilitation office that they are able to perform  
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
- 3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
- 5 education programs;
- 6 (27) In the Hawaii state energy office in the department of
- 7 business, economic development, and tourism, all
- 8 energy program managers, energy program specialists,
- 9 energy program assistants, and energy analysts;
- 10 (28) Administrative appeals hearing officers in the
- 11 department of human services;
- 12 (29) In the Med-QUEST division of the department of human
- 13 services, the division administrator, finance officer,
- 14 health care services branch administrator, medical
- 15 director, and clinical standards administrator;
- 16 (30) In the director's office of the department of human
- 17 services, the enterprise officer, information security
- 18 and privacy compliance officer, security and privacy
- 19 compliance engineer, security and privacy compliance
- 20 analyst, information technology implementation
- 21 manager, assistant information technology



- 1 implementation manager, resource manager,  
2 [~~community/project~~] community or project development  
3 director, policy director, special assistant to the  
4 director, and limited English proficiency project  
5 [~~manager/coordinator;~~] manager or coordinator;
- 6 (31) The Alzheimer's disease and related dementia services  
7 coordinator in the executive office on aging;
- 8 (32) In the Hawaii emergency management agency, the  
9 executive officer, public information officer, civil  
10 defense administrative officer, branch chiefs, and  
11 emergency operations center state warning point  
12 personnel; provided that for state warning point  
13 personnel, the director shall determine that  
14 recruitment through normal civil service recruitment  
15 procedures would result in delay or noncompliance;
- 16 (33) The executive director and seven full-time  
17 administrative positions of the school facilities  
18 authority;
- 19 (34) Positions in the Mauna Kea stewardship and oversight  
20 authority;



1 (35) In the office of homeland security of the department  
2 of law enforcement, the statewide interoperable  
3 communications coordinator; [~~and~~]

4 (36) In the social services division of the department of  
5 human services, the business technology analyst[~~-~~];  
6 and

7 (37) The administrator for the law enforcement standards  
8 board.

9 The director shall determine the applicability of this  
10 section to specific positions.

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

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

15 "(a) There [~~is~~] shall be established the law enforcement  
16 standards board within the department of the attorney general  
17 for administrative purposes only. The purpose of the board  
18 shall be to provide programs and standards for training and  
19 certification of law enforcement officers. The law enforcement  
20 standards board shall consist of the following voting members:  
21 eight ex officio individuals[~~, two~~] or their designees, five law



1 enforcement officers, [~~and~~] four members of the public[+], and  
2 one member selected by the union representing police officers in  
3 the State; provided that:

4 (1) The eight ex officio members of the board shall  
5 consist of the:

6 (A) Attorney general[+] or the attorney general's  
7 designee;

8 (B) Director of law enforcement[+] or the director's  
9 designee;

10 (C) Chairperson of the board of land and natural  
11 resources or the chairperson's designee;

12 (D) Director of taxation or the director's designee;  
13 and

14 (E) Chiefs of police of the four counties[+] or the  
15 designees of each of the chiefs of police;

16 (2) The [~~two~~] five law enforcement officers shall [~~each~~]  
17 be persons other than the chiefs of police or  
18 designees described in paragraph (1)(E) and shall  
19 consist of:

20 (A) One county law enforcement officer from each of  
21 the four counties; and





1            (B) One state law enforcement officer.  
 2            Each law enforcement officer described in this  
 3            paragraph shall have at least ten years of experience  
 4            as a law enforcement officer [~~and~~], shall be appointed  
 5            by the governor[~~+~~], and, notwithstanding section 26-  
 6            34, shall be appointed without the advice and consent  
 7            of the senate; and

8            (3) The [~~four members of the~~] public members shall consist  
 9            of one member [~~of the public~~] from each of the four  
 10            counties [~~and~~], each of whom shall be appointed by the  
 11            governor[~~-~~], and, notwithstanding section 26-34, shall  
 12            be appointed without the advice and consent of the  
 13            senate. At least two of the four members of the  
 14            public holding a position on the board at any given  
 15            time shall:

16            (A) Possess a master's or doctorate degree related to  
 17            criminal justice;

18            (B) Possess a law degree and have experience:  
 19            (i) Practicing in Hawaii as a deputy attorney  
 20            general, deputy prosecutor, deputy public



1 defender, or private criminal defense  
2 attorney; or

3 (ii) Litigating constitutional law issues in  
4 Hawaii;

5 (C) Be a recognized expert in the field of criminal  
6 justice, policing, or security; or

7 (D) Have work experience in a law enforcement  
8 capacity[~~; provided that experience in a county~~  
9 ~~police department shall not itself be sufficient~~  
10 ~~to qualify under this paragraph~~].

11 (b) The law enforcement officers, member selected by the  
12 union representing police officers in the State, and the members  
13 of the public on the board shall serve for a term of [~~three~~  
14 four years]~~];~~ provided that the initial terms for the law  
15 enforcement officers and the public members shall be staggered,  
16 as determined by the governor."

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

19 "**§139-3 Powers and duties of the board.** The board shall:

20 (1) Adopt rules in accordance with chapter 91 to implement  
21 this chapter;



- 1 (2) Establish minimum standards for employment as a law  
2 enforcement officer and to certify persons to be  
3 qualified as law enforcement officers;
- 4 (3) Establish criteria and standards in which a person who  
5 has been denied certification, whose certification has  
6 been revoked by the board, or whose certification has  
7 lapsed may reapply for certification;
- 8 (4) Establish minimum criminal justice curriculum  
9 requirements for basic, specialized, and in-service  
10 courses and programs for schools operated by or for  
11 the State or a county for the specific purpose of  
12 training law enforcement officers;
- 13 (5) Consult and cooperate with the counties, agencies of  
14 the State, other governmental agencies, universities,  
15 colleges, and other institutions concerning the  
16 development of law enforcement officer training  
17 schools and programs of criminal justice instruction;
- 18 (6) Employ [~~subject to chapter 76,~~] an administrator,  
19 without regard to chapter 76, and other persons  
20 necessary to carry out its duties under this chapter;



- 1           (7) Investigate when there is reason to believe that a law  
2 enforcement officer does not meet the minimum  
3 standards for employment, and in so doing, may:  
4           (A) Subpoena persons, books, records, or documents;  
5           (B) Require answers in writing under oath to  
6                 questions asked by the board; and  
7           (C) Take or cause to be taken depositions as needed  
8                 in investigations, hearings, and other  
9                 proceedings,  
10                 related to the investigation;  
11          (8) Establish and require participation in continuing  
12 education programs for law enforcement officers;  
13          (9) Have the authority to charge and collect fees for  
14 applications for certification as a law enforcement  
15 officer;  
16          (10) Establish procedures and criteria for the revocation  
17 of certification issued by the board;  
18          (11) Have the authority to revoke certifications; [~~and~~]  
19          (12) Review and recommend statewide policies and procedures  
20 relating to law enforcement, including the use of  
21 force[-];



- 1        (13) Consider studies relevant to the board's objectives,  
2            including the study that examines consolidating the  
3            law enforcement activities and responsibilities of  
4            various state divisions and agencies under a single,  
5            centralized state enforcement division or agency,  
6            conducted pursuant to Act 124, Session Laws of Hawaii  
7            2018; and
- 8        (14) Conduct its own study to evaluate how to efficiently  
9            and effectively satisfy its duties in accordance with  
10           the law."

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

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

15        (1) Has satisfactorily completed a basic program of law  
16 enforcement training approved by the board;

17        (2) Has received training designed to minimize the use of  
18 excessive force, including legal standards, de-  
19 escalation techniques, crisis intervention tactics,  
20 mental health response, implicit bias, and first aid;  
21 and



1           (3) Possesses other qualifications as prescribed by the  
2           board for the employment of law enforcement officers,  
3           including minimum age, education, physical and mental  
4           standards, citizenship, good conduct, moral character,  
5           and experience.

6           (b) [~~The~~] Beginning on July 1, 2026, the board shall issue  
7           a certification to an applicant or law enforcement officer who  
8           meets the requirements of subsection (a) or who has  
9           satisfactorily completed a program or course of instruction in  
10          another jurisdiction that the board deems to be equivalent in  
11          content and quality to the requirements of subsection (a)."

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

14          "(a) No person shall be appointed or employed as a law  
15          enforcement officer by any county police department, the  
16          department of law enforcement, the department of land and  
17          natural resources, the department of taxation, or the department  
18          of the attorney general[7] after June 30, 2026, unless the  
19          person possesses a valid certification issued by the board  
20          pursuant to section 139-6(b)."



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

4 "SECTION 6. This Act shall take effect on July 1, 2018[~~7~~  
5 ~~provided that the law enforcement standards board established~~  
6 ~~under this Act shall finalize its standards and certification~~  
7 ~~process by December 31, 2021]."~~

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

11 SECTION 9. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect upon its approval.



**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. Adds to the membership of the Law Enforcement Standards Board a member selected by the union representing police officers in the State. (SD2)

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

