

STAND. COM. REP. NO. 3683

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 1611  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1611, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS,"

begs leave to report as follows:

The purpose and intent of this measure is to require law enforcement agencies and the Law Enforcement Standards Board to consult the National Decertification Index and report certain information related to a law enforcement officer's certification status to the Index.

Your Committee received testimony in support of this measure from the ACLU of Hawai'i and Policing Project at NYU School of Law.

Your Committee received testimony in opposition to this measure from the State of Hawaii Organization of Police Officers.

Your Committee received comments on this measure from the Department of Law Enforcement.

Your Committee finds that law enforcement officers are authorized to use physical force to enforce laws and have the de facto power to stop anyone, at any time, for any reason, and that these encounters can result in injury or death. Your Committee believes that when this authority is abused and results in the



suspension or revocation of the law enforcement officer's certification, the Law Enforcement Standards Board should be transparent about sharing that information with other law enforcement agencies. Additionally, your Committee believes that the Law Enforcement Standards Board should conduct thorough background checks before certifying a new officer to ensure that the officer has not abused their authority in another position. This measure will strengthen the State's decertification laws by sharing officer certification suspension and revocation information with other states through the National Decertification Index and require hiring agencies to review the same information before hiring new officers.

Your Committee has amended this measure by:

- (1) Clarifying that before certifying or employing any law enforcement officer, the Law Enforcement Standards Board and the employing law enforcement agency are required to consult the National Decertification Index to determine whether the applicant or employee is listed and to review any information about that person;
- (2) Clarifying that the Law Enforcement Standards Board is required to report to the National Decertification Index each time the board opens an investigation into whether a law enforcement officer does not meet the minimum standards for employment;
- (3) Requiring the Law Enforcement Standards Board to take certain actions to determine if the National Decertification Index is accepting certain information or records by July 1, 2026, instead of July 1, 2025;
- (4) Making it effective on July 1, 2026; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1611, H.D. 2, S.D. 1, as amended herein, and recommends that



it pass Third Reading in the form attached hereto as H.B.  
No. 1611, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



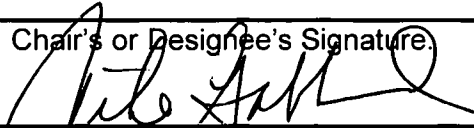
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KARL RHOADS, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1611 HD2 SD1	PSM, JDC	04/02/24		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton				✓
<b>TOTAL</b>	3	—	—	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original             Yellow             Pink             Goldenrod File with Committee Report             Clerk's Office             Drafting Agency             Committee File Copy				

\*Only one measure per Record of Votes