

Testimony of the Board of Private Detectives and Guards

**Before the
House Committee on Education
Thursday, March 21, 2024
2:00 p.m.**

Conference Room 309 and Videoconference

On the following measure:

H.R. 93, URGING THE DEPARTMENT OF EDUCATION, IN COLLABORATION WITH THE OFFICE OF SCHOOL FACILITIES AND SUPPORT SERVICES, TO DEVELOP PROCEDURES THAT WILL EXPEDITE THE HIRING PROCESS FOR SECURITY GUARDS REGULATED UNDER CHAPTER 463, HAWAII REVISED STATUTES.

Chair Woodson and Members of the Committee:

My name is Chelsea Fukunaga, and I am the Executive Officer of the Board of Private Detectives and Guards (Board). The Board takes no position on this measure and offers comments.

The purposes of this resolution are for the Department of Education (DOE), in collaboration with the Office of School Facilities and Support Services to: (1) develop procedures that will expedite the hiring process for security guards regulated under chapter, 463, Hawaii Revised Statutes (HRS); and (2) consult with the Board of Private Detectives and Guards to create new job descriptions for security personnel that do not require the applicant to be licensed under chapter 436, HRS.

As a general matter, the Legislature established new training requirements for guards in Chapter 463, HRS in 2010 (Act 208, Session Laws of Hawaii (SLH)) and 2017 (Act 160, SLH 2017). Pursuant to §463-10.5, HRS, all guards, and all agents, operatives, and assistants employed by a guard agency, private business entity, or government agency who act in a guard capacity shall apply to register with the Board, and meet the following registration, instruction, and training requirements prior to acting as a guard:

- (1) Be not less than eighteen (18) years of age;
- (2) Possess a high school education or its equivalent; provided that the applicant may satisfy the requirements of this paragraph by attesting that the applicant possesses a high school education or its equivalent;

- (3) Not be presently suffering from any psychiatric or psychological disorder which is directly related and detrimental to a person's performance in the profession; and
- (4) Not have been convicted in any jurisdiction of a crime which reflects unfavorably on the fitness of the individual to act as a guard, unless the conviction has been annulled or expunged by court order; provided that the individual shall submit to a national criminal history record check as authorized by a federal law; including but not limited to the Private Security Officer Employment Authorization act of 2004, and specified in the rules of the board, and a criminal history record check from the Hawaii criminal justice data center under chapter 846; and
- (5) Successfully complete eight (8) hours of classroom instruction given by a Board approved instructor on a Board approved curricula before the first day of service

The Board notes that it has previously provided guidance to the DOE regarding the requirements of §463-10.5, HRS and has emphasized the importance of standardized background checks, training, and registration of individuals tasked with providing security for students. Additionally, the Board has also worked with the DOE's Office of School Facilities and Support Services to ensure that guards who are currently employed with the DOE were compliant with the renewal requirements of Act 208.

The recent increase in violent events at public schools has been extensively covered by the media and reinforces the need for safe and competent individuals to provide a safe learning environment. The Board is open to continuing to work with the Department of Education to find improvements that will make the licensure process less onerous while still leaving adequate public safeguards in place for the most vulnerable population, the keiki of Hawaii.

Thank you for the opportunity to testify on this bill.