
A BILL FOR AN ACT

RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.

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

1 SECTION 1. Section 88-21, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By adding four new definitions to be appropriately
4 inserted and to read:

5 "Deputy director of the department of law enforcement"
6 means a person appointed by the director of law enforcement to
7 regularly serve as a deputy director of the department of law
8 enforcement.

9 "Director of law enforcement" means the person appointed by
10 the governor to regularly serve as the director of law
11 enforcement.

12 "Sheriff" means a person who serves as the administrator of
13 the sheriff division of the department of law enforcement.

14 "Sheriff division investigator" means a person regularly
15 employed by the department of law enforcement with police powers
16 who hold the personnel class specification of investigator."



1 2. By amending the definition of "law enforcement
2 investigations staff investigators" to read:

3 ""Law enforcement investigations staff investigators" means
4 those employees in the investigations staff office of the
5 department of law enforcement who have been conferred police
6 powers by the director of law enforcement in accordance with
7 section 353C-4 and are in the positions of investigator I to
8 VII[-], including investigators of the department of the
9 attorney general who were transferred to the department of law
10 enforcement as provided in Act 278, Session Laws of Hawaii
11 2022."

12 SECTION 2. Section 88-47, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) There shall be four classes of members in the system
15 to be known as class A, class B, class C, and class H, defined
16 as follows:

17 (1) Class A shall consist of:

18 (A) Judges, elected officials, and legislative
19 officers;

20 (B) Investigators of the department of the attorney
21 general, narcotics enforcement investigators,



1 water safety officers not making the election
2 under section 88-271, and law enforcement
3 investigations staff investigators;

4 (C) Those members in service prior to July 1, 1984,
5 including those who are on approved leave of
6 absence, not making the election to become a
7 class C member as provided in part VII or to
8 become a class H member as provided in part VIII;

9 (D) The following members in service prior to July 1,
10 2006, including those who are on approved leave
11 of absence, not making the election to become a
12 class H member as provided in part VIII:

13 (i) Members whose salaries are set forth in
14 sections 26-52 and 26-53 and their county
15 counterparts, managing directors or an
16 administrative assistant to the mayor, other
17 county department heads, and agency heads
18 appointed and subject to removal by the
19 mayor;

20 (ii) First deputies appointed by the county
21 attorney and prosecuting attorney;



(iii) The county clerk and deputy county clerk of each county;

(iv) The directors of the offices of council services of the county of Maui and the city and county of Honolulu;

(v) The administrative director of the courts;

(vi) The deputy administrative director of the courts;

(vii) The executive officer of the labor and industrial relations appeals board; and

(viii) The executive officer of the Hawaii labor relations board;

(E) All former class A retirants who return to employment after June 30, 1984, requiring the retirant's active membership; ~~and~~

(F) All former class B retirants who return to employment requiring the retirant's active membership, except for:

(i) Former retirants who return in the positions of police officer or firefighter;



1 (ii) Former retirants who were members on July 1,
2 1957, who elected not to be covered by the
3 Social Security Act; and

4 (iii) Former retirants who were in positions to
5 which coverage under Title II of the Social
6 Security Act was not extended who entered
7 membership after June 30, 1957, but before
8 January 1, 2004; and

9 (G) The following members of the department of law
10 enforcement, effective July 1, 2025:

11 (i) The director of law enforcement; provided
12 that the member shall have already been
13 employed as a class A member prior to
14 appointment as the director of law
15 enforcement;

16 (ii) The deputy directors of the department of
17 law enforcement; provided that the members
18 shall have already been employed as class A
19 members prior to appointment as deputy
20 directors of law enforcement;

21 (iii) Department of law enforcement investigators;



- 1 (iv) The sheriff; provided that the member shall
2 have already been employed as a class A
3 member prior to appointment as sheriff; and
4 (v) Sheriff division investigators;

5 (2) Class B shall consist of:

- 6 (A) Police officers and firefighters, including
7 former retirants who return to service in such
8 capacity;
9 (B) All employees, including former retirants, who
10 were members on July 1, 1957, who elected not to
11 be covered by the Social Security Act; and
12 (C) All employees, including former retirants, in
13 positions to which coverage under Title II of the
14 Social Security Act is not extended, who enter
15 membership after June 30, 1957, but before
16 January 1, 2004, not making the election to
17 become a class H member as provided in part VIII;

- 18 (3) Except for members described in paragraphs (1) and
19 (2), class C shall consist of all employees, not
20 making the election to become a class H member as
21 provided in part VIII, who:



- 1 (A) First enter service after June 30, 1984, but
2 before July 1, 2006;
- 3 (B) Reenter service after June 30, 1984, but before
4 July 1, 2006, without vested benefit status as
5 provided in section 88-96(b);
- 6 (C) Make the election to become a class C member as
7 provided in part VII; or
- 8 (D) Are former class C retirants who return to
9 service requiring the retirant's active
10 membership; and
- 11 (4) Except for members described in paragraphs (1) and
12 (2), class H shall consist of all employees who:
- 13 (A) First enter service after June 30, 2006;
- 14 (B) Reenter service after June 30, 2006, without
15 vested benefit status as provided in section
16 88-96(b);
- 17 (C) Make the election to become a class H member as
18 provided in part VIII; or
- 19 (D) Are former class H retirants who return to
20 service requiring the retirant's active
21 membership."



SECTION 3. Section 88-74, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

"(b) If a member, who became a member before July 1, 2012, has attained age fifty-five, the member's maximum retirement allowance shall be two per cent of the member's average final compensation multiplied by the total number of years of the member's credited service as a class A and class B member, excluding any credited service as a judge, elective officer, or legislative officer, plus a retirement allowance of one and one-fourth per cent of the member's average final compensation multiplied by the total number of years of prior credited service as a class C member, plus a retirement allowance of two per cent of the member's average final compensation multiplied by the total number of years of prior credited service as a class H member; provided that:

(1) After June 30, 1968, if the member has at least ten years of credited service of which the last five or more years prior to retirement is credited service as a firefighter, police officer, or an investigator of the department of the prosecuting attorney;



1 (2) After June 30, 1977, if the member has at least ten
2 years of credited service of which the last five or
3 more years prior to retirement is credited service as
4 a corrections officer;

5 (3) After June 16, 1981, if the member has at least ten
6 years of credited service of which the last five or
7 more years prior to retirement is credited service as
8 an investigator of the department of the attorney
9 general;

10 (4) After June 30, 1989, if the member has at least ten
11 years of credited service of which the last five or
12 more years prior to retirement is credited service as
13 a narcotics enforcement investigator;

14 (5) After December 31, 1993, if the member has at least
15 ten years of credited service of which the last five
16 or more years prior to retirement is credited service
17 as a water safety officer;

18 (6) After June 30, 1994, if the member has at least ten
19 years of credited service, of which the last five or
20 more years prior to retirement are credited service as
21 a law enforcement investigations staff investigator;



1 (7) After June 30, 2002, if the member:

2 (A) Has at least ten years of credited service as a
3 firefighter;

4 (B) Is deemed permanently medically disqualified due
5 to a service related disability to be a
6 firefighter by the employer's physician; and

7 (C) Continues employment in a class A or B position
8 other than a firefighter; ~~and~~

9 (8) After June 30, 2004, if the member:

10 (A) Has at least ten years of credited service as a
11 police officer;

12 (B) Is deemed permanently medically disqualified due
13 to a service related disability to be a police
14 officer by the employer's physician; and

15 (C) Continues employment in a class A or B position
16 other than a police officer; and

17 (9) After July 1, 2025, if the member has at least ten
18 years of credited service, of which the last five or
19 more years prior to retirement are credited service as
20 the director of law enforcement, deputy director of
21 the department of law enforcement, the sheriff,



1 department of law enforcement investigator, or sheriff
2 division investigator; provided that the dates listed
3 in paragraphs (1), (2), (3), (4), (5), and (6) shall
4 continue to apply to the retirement for those members
5 already employed as a firefighter, police officer,
6 corrections officer, investigator of the department of
7 the prosecuting attorney, investigator of the
8 department of the attorney general, narcotics
9 enforcement investigator, water safety officer, and
10 public safety investigations staff investigator prior
11 to the enactment of Act 278, Session Laws of Hawaii
12 2022,

13 then for each year of service as a firefighter, police officer,
14 corrections officer, investigator of the department of the
15 prosecuting attorney, investigator of the department of the
16 attorney general, narcotics enforcement investigator, water
17 safety officer, director of law enforcement, deputy director of
18 the department of law enforcement, the sheriff, or sheriff
19 division investigator, or law enforcement investigations staff
20 investigator, the retirement allowance shall be two and one-half
21 per cent of the member's average final compensation. The



1 maximum retirement allowance for those members shall not exceed
2 eighty per cent of the member's average final compensation. If
3 the member has not attained age fifty-five, the member's
4 retirement allowance shall be computed as though the member had
5 attained age fifty-five, reduced for age as provided in
6 subsection (e)."

7 2. By amending subsections (e) and (f) to read:

8 "(e) Except as provided in subsections (b), (c), and (d),
9 if a member, who became a member before July 1, 2012, has not
10 attained age fifty-five at the date of retirement, the member's
11 retirement allowance shall be reduced, for each month the
12 member's age at the date of retirement is below age fifty-five,
13 as follows:

14 (1) 0.4166 per cent for each month below age fifty-five
15 and above age forty-nine and eleven months; plus

16 (2) 0.3333 per cent for each month below age fifty and
17 above age forty-four and eleven months; plus

18 (3) 0.2500 per cent for each month below age forty-five
19 and above age thirty-nine and eleven months; plus

20 (4) 0.1666 per cent for each month below age forty;



1 provided that no reduction shall be made if the member has at
2 least twenty-five years of credited service as a firefighter,
3 police officer, corrections officer, investigator of the
4 department of the prosecuting attorney, investigator of the
5 department of the attorney general, narcotics enforcement
6 investigator, director of law enforcement, deputy director of
7 the department of law enforcement, the sheriff, sheriff division
8 investigator, law enforcement investigations staff investigator,
9 sewer worker, or water safety officer, of which the last five or
10 more years prior to retirement is credited service in these
11 capacities.

12 (f) If a member, who becomes a member after June 30, 2012,
13 has attained age sixty, the member's maximum retirement
14 allowance shall be one and three-fourths per cent of the
15 member's average final compensation multiplied by the total
16 number of years of the member's credited service as a class A
17 and class B member, excluding any credited service as a judge,
18 elective officer, or legislative officer, plus a retirement
19 allowance of one and one-fourth per cent of the member's average
20 final compensation multiplied by the total number of years of
21 prior credited service as a class C member, plus a retirement



1 allowance of one and three-fourths per cent of the member's
2 average final compensation multiplied by the total number of
3 years of prior credited service as a class H member; provided
4 that:

5 (1) If the member has at least ten years of credited
6 service of which the last five or more years prior to
7 retirement is credited service as a firefighter,
8 police officer, or an investigator of the department
9 of the prosecuting attorney;

10 (2) If the member has at least ten years of credited
11 service of which the last five or more years prior to
12 retirement is credited service as a corrections
13 officer;

14 (3) If the member has at least ten years of credited
15 service of which the last five or more years prior to
16 retirement is credited service as an investigator of
17 the department of the attorney general;

18 (4) If the member has at least ten years of credited
19 service of which the last five or more years prior to
20 retirement is credited service as a narcotics
21 enforcement investigator;



1 (5) If the member has at least ten years of credited
2 service, of which the last five or more years prior to
3 retirement is credited service as a law enforcement
4 investigations staff investigator;

5 (6) If the member has at least ten years of credited
6 service, of which the last five or more years prior to
7 retirement is credited service as a director of law
8 enforcement, deputy director of the department of law
9 enforcement, the sheriff, or sheriff division
10 investigator;

11 ~~[(6)]~~ (7) If the member:

12 (A) Has at least ten years of credited service as a
13 firefighter;

14 (B) Is deemed permanently medically disqualified due
15 to a service related disability to be a
16 firefighter by the employer's physician; and

17 (C) Continues employment in a class A or class B
18 position other than a firefighter; and

19 ~~[(7)]~~ (8) If the member:

20 (A) Has at least ten years of credited service as a
21 police officer;



1 (B) Is deemed permanently medically disqualified due
2 to a service related disability to be a police
3 officer by the employer's physician; and

4 (C) Continues employment in a class A or class B
5 position other than a police officer,

6 then for each year of service as a firefighter, police officer,
7 corrections officer, investigator of the department of the
8 prosecuting attorney, investigator of the department of the
9 attorney general, narcotics enforcement investigator, director
10 of law enforcement, deputy director of the department of law
11 enforcement, the sheriff, department of law enforcement
12 investigator, or sheriff division investigator, or law
13 enforcement investigations staff investigator, the retirement
14 allowance shall be two and one-fourth per cent of the member's
15 average final compensation. The maximum retirement allowance
16 for those members shall not exceed eighty per cent of the
17 member's average final compensation. If the member has not
18 attained age sixty, the member's retirement allowance shall be
19 computed as though the member had attained age sixty, reduced
20 for age as provided in subsection (i)."

21 3. By amending subsection (i) to read:



1 "(i) Except as provided in subsections (f), (g), and (h),
2 if a member, who becomes a member after June 30, 2012, has not
3 attained age sixty at the date of retirement, the member's
4 retirement allowance shall be reduced, for each month the
5 member's age at the date of retirement is below age sixty, as
6 follows:

- 7 (1) 0.4166 per cent for each month below age sixty and
8 above age fifty-four and eleven months; plus
9 (2) 0.3333 per cent for each month below age fifty-five
10 above age forty-nine and eleven months; plus
11 (3) 0.2500 per cent for each month below age fifty and
12 above age forty-four and eleven months; plus
13 (4) 0.1666 per cent for each month below age forty-five;

14 provided that no reduction shall be made if the member has
15 attained the age of fifty-five and has at least twenty-five
16 years of credited service as a firefighter, police officer,
17 corrections officer, investigator of the department of the
18 prosecuting attorney, investigator of the department of the
19 attorney general, narcotics enforcement investigator, director
20 of law enforcement, deputy director of the department of law
21 enforcement, the sheriff, department of law enforcement



1 investigator, or sheriff division investigator, law enforcement
2 investigations staff investigator, sewer worker, water safety
3 officer, or emergency medical technician, of which the last five
4 or more years prior to retirement is credited service in these
5 capacities."

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect upon its approval.
9

INTRODUCED BY:



JAN 22 2025



H.B. NO. 1183

Report Title:

Department of Law Enforcement; Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems

Description:

Includes certain law enforcement administrators and employees of the Department of Law Enforcement as class A members of the pension and retirement systems and provides guidance for the computation of retirement benefits similar to police officers.

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