

JAN 25 2023

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# A BILL FOR AN ACT

RELATING TO HOMELAND SECURITY.

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

1           SECTION 1. The legislature finds that the State faces a  
2 persistent threat of targeted violence against government  
3 agencies, educational institutions, and public places that  
4 present soft targets for lone offenders. Examples of completed,  
5 planned, or emerging threats of targeted violence in Hawaii  
6 include the 1999 Xerox shooting, the 2019 Pearl Harbor shipyard  
7 shooting, the 2019 Diamond Head arson, and the dozens of threats  
8 of mass violence received every year against Hawaii schools and  
9 universities.

10           The legislature further finds that targeted violence is  
11 preventable. As reported by the United States Secret Service,  
12 most attacks on public spaces and schools come from actors who  
13 exhibit observable concerning behavior well ahead of committing  
14 targeted violence.

15           Prevention efforts include training, outreach, and  
16 education on targeted violence topics; behavioral  
17 intervention/threat assessment and management efforts; and  
18 referrals to community resources. When state agencies and the

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1 public are knowledgeable about the dynamics of targeted  
2 violence, the community can mitigate threats through  
3 intervention. Hawaii has become a national leader in these  
4 prevention efforts, most recently by developing a statewide  
5 targeted violence prevention strategy.

6 However, the legislature further finds that there is a need  
7 for more organized targeted violence prevention efforts at the  
8 statewide level. Specifically, there needs to be a concerted  
9 effort to educate and train state agencies and the public on the  
10 phenomenon of targeted violence and how to prevent it. The  
11 development of Behavioral Intervention/Threat Assessment and  
12 Management teams in government agencies and the private sector  
13 will further this objective by including direct service  
14 providers in prevention efforts and promoting collaboration with  
15 state agency-based and community-based threat assessment  
16 programs. There also needs to be centralized reporting,  
17 analysis, and dissemination of threat information between  
18 agencies.

19 The purpose of this Act is to prevent targeted violence by  
20 providing outreach, education, and training on targeted violence  
21 and targeted violence prevention; technical support for threat  
22 assessment; and a centralized mechanism for identifying,

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1 analyzing, and disseminating information about threats. This  
2 Act seeks to enable information sharing in a way that complies  
3 with healthcare and education privacy laws and laws protecting  
4 individual privacy rights.

5 SECTION 2. Chapter 128A, Hawaii Revised Statutes, is  
6 amended by adding a new part to be appropriately designated and  
7 to read as follows:

8 "PART . TARGETED VIOLENCE PREVENTION PROGRAM

9 §128A- Definitions. In this part, unless context  
10 otherwise requires:

11 "Hazard" includes natural and human-made hazards.

12 "State agency" means the executive and administrative  
13 departments enumerated in chapter 26, Hawaii Revised Statutes,  
14 the state legislature, and the state judiciary.

15 "System" means the all-threats or all-hazards statewide  
16 reporting system established under the office of homeland  
17 security.

18 "Targeted violence" means acts dangerous to human life that  
19 are committed in violation of the criminal laws of the United  
20 States or of any state and that:

21 (1) Involve a degree of planning;

22 (2) Involve a pre-identified target including:

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1 (A) A person based on actual or perceived identity  
2 traits or group affiliation; or

3 (B) Property based on actual or perceived identity  
4 traits or group affiliation;

5 (3) Appear intended to:

6 (A) Intimidate, coerce, or otherwise impact a broader  
7 population beyond the target of the immediate  
8 act; or

9 (B) Generate publicity for the perpetrator or the  
10 perpetrator's grievances;

11 (4) Occur within the jurisdiction of the State; and

12 (5) Exclude acts of interpersonal violence, street or  
13 gang-related crimes, or financially motivated crimes.

14 "Threat assessment" means a product or process of  
15 evaluating information based on a set of criteria for entities,  
16 actions, or occurrences, whether natural or human-made, that  
17 have or indicate the potential to harm life, information,  
18 operations, or property.

19 §128A- Targeted violence prevention program;  
20 established. (a) There is established within the office of  
21 homeland security a program to coordinate state efforts to  
22 prevent targeted violence.

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1           (b) The office of homeland security shall provide  
2 outreach, education, and training to state agencies and the  
3 community on the topics of targeted violence and targeted  
4 violence prevention efforts.

5           (c) In consultation with federal, state, and county  
6 governmental and private sector agencies, the office of homeland  
7 security may provide model guidance for the establishment of  
8 threat assessment programs.

9           **§128A- All-threats or all-hazards statewide reporting**  
10 **and analysis system; established.** (a) There is established  
11 within the office of homeland security an all-threats or all-  
12 hazards statewide reporting system for the purpose of preventing  
13 targeted violence.

14           (b) The office of homeland security shall be charged with  
15 the collection, retention, analysis, and dissemination of data  
16 and information reported to the system;

17           (c) Government agencies, private agencies, or individuals  
18 may use the system to report threats of targeted violence or  
19 other hazards, or both;

20           (d) State and county government agencies shall use the  
21 system to report all threats of targeted violence, including the  
22 following incidents or attempted incidents regardless of whether

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1 there is an immediately identifiable direct nexus with targeted  
2 violence:

- 3 (1) Damage to secure areas of the agency premises;
- 4 (2) Theft of government property used to access or secure  
5 the agency premises or services;
- 6 (3) Fraudulent use of identification to obtain access to  
7 the agency premises or services;
- 8 (4) Unauthorized entry onto the agency premises;
- 9 (5) Theft of controlled substances, hazardous materials,  
10 or precursor materials on the agency premises;
- 11 (6) Unauthorized access to state information systems;
- 12 (7) Weapons found on the agency premises that are  
13 prohibited by statute, county ordinance, or by agency  
14 rule or policy;
- 15 (8) Express or implied threats to individually identified  
16 persons who are currently present, who are routinely  
17 present on the agency premises, or who are employed by  
18 the agency;
- 19 (9) Express or implied threats to damage the agency  
20 property in a way that would jeopardize public or  
21 staff safety or would interfere with agency operations  
22 or both; and

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1 (10) Express or implied threats to commit violence that  
2 targets a class of persons belonging to a particular  
3 race, nationality, ethnicity, religion, sex, sexual  
4 orientation, gender identity or expression, or  
5 disability, regardless of whether the violence would  
6 otherwise constitute a hate crime;

7 (f) If any provision of this part, or the application  
8 thereof to any person or circumstances, is held invalid, the  
9 remainder of this section, or the application of the provision  
10 to other persons or circumstances, shall not be affected  
11 thereby.

12 §128A- Privacy. Dissemination of anonymized or  
13 personally identifiable information, or both, whether to another  
14 state agency, any law enforcement agency, or any other  
15 recipient, by the office of homeland security may be made at the  
16 discretion of the office of homeland security and shall only be  
17 pursuant to rules adopted by the office of homeland security  
18 pursuant to chapter 91.

19 §128A- Use and dissemination of data and information.

20 (a) Access to the data and information collected and stored in  
21 the system shall be limited to the office of homeland security.

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1           (b) When the threat or hazard reported to the system  
2 directly involves a state agency or is a threat against a  
3 private individual in their capacity as an employee of that  
4 state agency, the office of homeland security may so notify the  
5 state agency.

6           (c) When the threat or hazard reported may constitute a  
7 violation of criminal law, the office of homeland security may  
8 so notify federal, state and county law enforcement agencies.

9           (d) The office of homeland security shall analyze data  
10 from the system to help inform an annual statewide threat  
11 assessment on general threats to the safety and welfare of the  
12 State. At least one version of the annual threat assessment  
13 shall be released to the public. The annual threat assessment  
14 shall not include personally identifiable information.

15           (e) The office of homeland security may analyze data from  
16 the system to help inform additional threat assessments  
17 requested by the office of the governor, the state legislature,  
18 the state judiciary, or a state agency that has reported  
19 information to the system.

20           §128A-     **Rules.** The office of homeland security shall  
21 adopt rules pursuant to chapter 91 to implement this part."

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1 SECTION 3. The office of homeland security may establish  
2 two full-time equivalent analyst positions, which would be  
3 exempt from chapter 76, Hawaii Revised Statutes.

4 SECTION 4. There is appropriated out of the general  
5 revenues of the State of Hawaii for the sum of \$250,000 or so  
6 much thereof as may be necessary for fiscal year 2023-2024 and  
7 the same sum or so much as may be necessary for fiscal year  
8 2024-2025 to carry out the purposes of this Act, including the  
9 hiring and sustainment of necessary staff.

10 The sum appropriated shall be expended by the department of  
11 defense for the purposes of this Act.

12 SECTION 5. This Act, upon its approval, shall take effect  
13 on July 1, 2023.

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15

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Hon. D. IMA", is written over a horizontal line.

16

BY REQUEST

# S.B. NO. 1336

**Report Title:**

Targeted Violence; Office of Homeland Security; Targeted Violence Prevention Program

**Description:**

Establishes a Targeted Violence Prevention program within the state Office of Homeland Security. Mandates reporting by state and county government agencies regarding specific enumerated activity. Establishes the all-threats or all-hazards statewide reporting and analysis system. Mandates reporting by state and county government agencies regarding specific enumerated activity. Creates two new analyst position and appropriates money for the program.

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

JUSTIFICATION SHEET

**SB. NO. 1336**

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO HOMELAND SECURITY.

PURPOSE: To formally establish a Targeted Violence Prevention (TVP) program within the state Office of Homeland Security (OHS). To promote a multidisciplinary approach and coordination among government agencies and the private sector. To establish the all-threats or all-hazards statewide reporting and analysis system, which is a centralized reporting, analysis, and dissemination information system of threat information. To mandate reporting by State and county government agencies regarding specific enumerated activity. To create two new analyst position and appropriate money for the program.

MEANS: Add a new part to 128A, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Ideologically inspired violence can disrupt communities and impact the health, safety, and well-being of children, families, and other vulnerable populations, social services, education, public health, and civil rights officials.

Preventing targeted violence requires a coalition of stakeholders that extends beyond law enforcement. The intersectional nature of the threat necessitates a multidisciplinary approach to identify the root cause of violence and mitigate it from spreading. The principles of public health provide a useful framework for addressing this issue.

OHS plays a statutory role in the prevention of targeted violence. It can connect key multidisciplinary leaders from state

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agencies, local partners, and non-governmental organizations to obtain commitment and implement the targeted violence prevention strategy it has been tasked with and is presently developing.

Impact on the public: Establishing a statewide TVP program will provide an avenue to report threats of targeted violence and establish public confidence by instituting processes for reporting, referral, and collaboration.

Impact on the department and other agencies: Formal establishment of the TVP program will enhance the department's ability to meet the fundamental obligations levied on it under chapter 128A, HRS, with regards to preventing and reducing the State's vulnerability, minimizing the damage, and recovering from attacks. The establishment of the program will also introduce a multidisciplinary approach to address the complexities inherent in targeted violence prevention, instilling cross-agency collaboration and providing specified authorities and resources required to impact the threat.

GENERAL FUND: \$250,000 each for fiscal year 2023-2024 and fiscal year 2024-2025.

OTHER FUNDS: OHS currently uses federal grant money to establish and implement a statewide targeted violence prevention strategy. Sustained funding is required to establish the programmatic elements that will provide for the depth and longevity required in order for the program to be successful.

PPBS PROGRAM DESIGNATION: DEF 110.

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OTHER AFFECTED  
AGENCIES:

Department of Law Enforcement and Department  
of Human Resources Development.

EFFECTIVE DATE:

July 1, 2023.