

JAN 17 2025

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 by adding six new definitions to be appropriately
3 inserted and to read as follows:

4 "Department of law enforcement investigator" means a
5 person with police powers regularly employed by the department
6 of law enforcement who holds the personnel class specification
7 of investigator, including investigators of the department of
8 the attorney general who were transferred to the department of
9 law enforcement as provided in Act 278, Session Laws of Hawaii
10 2022.

11 "Deputy director for the department of law enforcement"
12 means a person appointed by the director of law enforcement to
13 regularly serve as a deputy director of the department of law
14 enforcement.

15 "Director of law enforcement" means the person appointed by
16 the governor to regularly serve as director of the department of
17 law enforcement.



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1 "Law enforcement investigations staff investigators" means
2 those employees in the investigations staff office of the
3 department of law enforcement who have been conferred police
4 powers by the director of law enforcement in accordance with
5 section 353C-4 and are in the positions of investigator I to
6 VII.

7 "Sheriff" means a person who serves as the administrator of
8 the sheriff division.

9 "Sheriff division investigator" means a person regularly
10 employed by the department of law enforcement with police powers
11 who holds the personnel class specification of investigator."

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,



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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~~] before
5 July 1, 1984, including those who are on approved
6 leave of absence, not making the election to
7 become a class C member as provided in part VII
8 or to become a class H member as provided in part
9 VIII;

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

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



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- 1 (ii) First deputies appointed by the county
- 2 attorney and prosecuting attorney;
- 3 (iii) The county clerk and deputy county clerk of
- 4 each county;
- 5 (iv) The directors of the offices of council
- 6 services of the county of Maui and the city
- 7 and county of Honolulu;
- 8 (v) The administrative director of the courts;
- 9 (vi) The deputy administrative director of the
- 10 courts;
- 11 (vii) The executive officer of the labor and
- 12 industrial relations appeals board; and
- 13 (viii) The executive officer of the Hawaii labor
- 14 relations board;
- 15 (E) All former class A retirants who return to
- 16 employment after June 30, 1984, requiring the
- 17 retirant's active membership; and
- 18 (F) All former class B retirants who return to
- 19 employment requiring the retirant's active
- 20 membership, except for:



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- 1 (i) Former retirants who return in the positions
- 2 of police officer or firefighter;
- 3 (ii) Former retirants who were members on July 1,
- 4 1957, who elected not to be covered by the
- 5 Social Security Act; and
- 6 (iii) Former retirants who were in positions to
- 7 which coverage under Title II of the Social
- 8 Security Act was not extended who entered
- 9 membership after June 30, 1957, but before
- 10 January 1, 2004;
- 11 (G) The following members of the department of law
- 12 enforcement, effective July 1, 2025:
- 13 (i) The director of law enforcement, provided
- 14 that the member shall have already been
- 15 employed as a class A member before
- 16 appointment as the director of law
- 17 enforcement;
- 18 (ii) The deputy directors of the department of
- 19 law enforcement, provided that the members
- 20 shall have already been employed as class A



- 1 members before appointment as deputy
- 2 directors of law enforcement;
- 3 (iii) Department of law enforcement investigators;
- 4 (iv) The sheriff, provided that the member shall
- 5 have already been employed as a class A
- 6 member before appointment as sheriff; and
- 7 (v) Sheriff division investigators;
- 8 (2) Class B shall consist of:
 - 9 (A) Police officers and firefighters, including
 - 10 former retirants who return to service in such
 - 11 capacity;
 - 12 (B) All employees, including former retirants, who
 - 13 were members on July 1, 1957, who elected not to
 - 14 be covered by the Social Security Act; and
 - 15 (C) All employees, including former retirants, in
 - 16 positions to which coverage under Title II of the
 - 17 Social Security Act is not extended, who enter
 - 18 membership after June 30, 1957, but before
 - 19 January 1, 2004, not making the election to
 - 20 become a class H member as provided in part VIII;



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- 1 (3) Except for members described in paragraphs (1) and
2 (2), class C shall consist of all employees, not
3 making the election to become a class H member as
4 provided in part VIII, who:
- 5 (A) First enter service after June 30, 1984, but
6 before July 1, 2006;
- 7 (B) Reenter service after June 30, 1984, but before
8 July 1, 2006, without vested benefit status as
9 provided in section 88-96(b);
- 10 (C) Make the election to become a class C member as
11 provided in part VII; or
- 12 (D) Are former class C retirants who return to
13 service requiring the retirant's active
14 membership; and
- 15 (4) Except for members described in paragraphs (1) and
16 (2), class H shall consist of all employees who:
- 17 (A) First enter service after June 30, 2006;
- 18 (B) Reenter service after June 30, 2006, without
19 vested benefit status as provided in section 88-
20 96(b);



1 (C) Make the election to become a class H member as
2 provided in part VIII; or

3 (D) Are former class H retirants who return to
4 service requiring the retirant's active
5 membership."

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

8 1. By amending subsection (b) to read as follows:

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



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- 1 (1) After June 30, 1968, if the member has at least ten
2 years of credited service of which the last five or
3 more years [~~prior to~~] before retirement is credited
4 service as a firefighter, police officer, or an
5 investigator of the department of the prosecuting
6 attorney;
- 7 (2) After June 30, 1977, if the member has at least ten
8 years of credited service of which the last five or
9 more years [~~prior to~~] before retirement is credited
10 service as a corrections officer;
- 11 (3) After June 16, 1981, if the member has at least ten
12 years of credited service of which the last five or
13 more years [~~prior to~~] before retirement is credited
14 service as an investigator of the department of the
15 attorney general;
- 16 (4) After June 30, 1989, if the member has at least ten
17 years of credited service of which the last five or
18 more years [~~prior to~~] before retirement is credited
19 service as a narcotics enforcement investigator;
- 20 (5) After December 31, 1993, if the member has at least
21 ten years of credited service of which the last five



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1 or more years [~~prior to~~] before retirement is credited
2 service as a water safety officer;

3 (6) After June 30, 1994, if the member has at least ten
4 years of credited service, of which the last five or
5 more years [~~prior to~~] before retirement are credited
6 service as a law enforcement investigations staff
7 investigator;

8 (7) After July 1, 2023, if the member has at least ten
9 years of credited service, of which the last five or
10 more years before retirement are credited service as
11 the director of law enforcement, deputy director of
12 the department of law enforcement, the sheriff,
13 department of law enforcement investigator, or sheriff
14 division investigator; provided that the dates listed
15 in subsection (b) (1), (2), (3), (4), (5), and (6)
16 shall continue to apply to the retirement for those
17 members already employed as a firefighter, police
18 officer, corrections officer, investigator of the
19 department of the prosecuting attorney, investigator
20 of the department of the attorney general, narcotics
21 enforcement investigator, water safety officer, and



1 public safety investigations staff investigator before
2 the enactment of Act 278, Session Laws of Hawaii 2022;

3 ~~(7)~~ (8) After June 30, 2002, if the member:

4 (A) Has at least ten years of credited service as a
5 firefighter;

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

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

11 ~~(8)~~ (9) After June 30, 2004, if the member:

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

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

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

19 then for each year of service as a firefighter, police officer,
20 corrections officer, investigator of the department of the
21 prosecuting attorney, investigator of the department of the



1 attorney general, narcotics enforcement investigator, water
2 safety officer, [~~or~~] law enforcement investigations staff
3 investigator, director of law enforcement, deputy director of
4 the department of law enforcement, sheriff, department of law
5 enforcement investigator, or sheriff division investigator, the
6 retirement allowance shall be two and one-half per cent of the
7 member's average final compensation. The maximum retirement
8 allowance for those members shall not exceed eighty per cent of
9 the member's average final compensation. If the member has not
10 attained age fifty-five, the member's retirement allowance shall
11 be computed as though the member had attained age fifty-five,
12 reduced for age as provided in subsection (e)."

13 2. By amending subsections (e) and (f) to read as follows:

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

20 (1) 0.4166 per cent for each month below age fifty-five
21 and above age forty-nine and eleven months; plus



- 1 (2) 0.3333 per cent for each month below age fifty and
2 above age forty-four and eleven months; plus
- 3 (3) 0.2500 per cent for each month below age forty-five
4 and above age thirty-nine and eleven months; plus
- 5 (4) 0.1666 per cent for each month below age forty;
- 6 provided that no reduction shall be made if the member has at
7 least twenty-five years of credited service as a firefighter,
8 police officer, corrections officer, investigator of the
9 department of the prosecuting attorney, investigator of the
10 department of the attorney general, narcotics enforcement
11 investigator, law enforcement investigations staff investigator,
12 director of law enforcement, deputy director of the department
13 of law enforcement, sheriff, department of law enforcement
14 investigator, sheriff division investigator, sewer worker, or
15 water safety officer, of which the last five or more years prior
16 to retirement is credited service in these capacities.
- 17 (f) If a member, who becomes a member after June 30, 2012,
18 has attained age sixty, the member's maximum retirement
19 allowance shall be one and three-fourths per cent of the
20 member's average final compensation multiplied by the total
21 number of years of the member's credited service as a class A



1 and class B member, excluding any credited service as a judge,
2 elective officer, or legislative officer, plus a retirement
3 allowance of one and one-fourth per cent of the member's average
4 final compensation multiplied by the total number of years of
5 prior credited service as a class C member, plus a retirement
6 allowance of one and three-fourths per cent of the member's
7 average final compensation multiplied by the total number of
8 years of prior credited service as a class H member; provided
9 that:

10 (1) If the member has at least ten years of credited
11 service of which the last five or more years [~~prior~~
12 ~~to~~] before retirement is credited service as a
13 firefighter, police officer, or an investigator of the
14 department of the prosecuting attorney;

15 (2) If the member has at least ten years of credited
16 service of which the last five or more years [~~prior~~
17 ~~to~~] before retirement is credited service as a
18 corrections officer;

19 (3) If the member has at least ten years of credited
20 service of which the last five or more years [~~prior~~
21 ~~to~~] before retirement is credited service as an



1 investigator of the department of the attorney
2 general;

3 (4) If the member has at least ten years of credited
4 service of which the last five or more years [~~prior~~
5 ~~to~~] before retirement is credited service as a
6 narcotics enforcement investigator;

7 (5) If the member has at least ten years of credited
8 service, of which the last five or more years [~~prior~~
9 ~~to~~] before retirement is credited service as a law
10 enforcement investigations staff investigator;

11 (6) If the member has at least ten years of credited
12 service, of which the last five or more years before
13 retirement is credited service as a director of law
14 enforcement, deputy director of the department of law
15 enforcement, sheriff, department of law enforcement
16 investigator, or sheriff division investigator;

17 [+6+] (7) If the member:

18 (A) Has at least ten years of credited service as a
19 firefighter;



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

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

6 [~~7~~] (8) If the member:

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

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

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

14 then for each year of service as a firefighter, police officer,
15 corrections officer, investigator of the department of the
16 prosecuting attorney, investigator of the department of the
17 attorney general, narcotics enforcement investigator, [~~or~~] law
18 enforcement investigations staff investigator, director of law
19 enforcement, deputy director of the department of law
20 enforcement, sheriff, department of law enforcement
21 investigator, or sheriff division investigator, the retirement



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

8 3. By amending subsection (i) to read as follows:

9 "(i) Except as provided in subsections (f), (g), and (h),
10 if a member, who becomes a member after June 30, 2012, has not
11 attained age sixty at the date of retirement, the member's
12 retirement allowance shall be reduced, for each month the
13 member's age at the date of retirement is below age sixty, as
14 follows:

15 (1) 0.4166 per cent for each month below age sixty and
16 above age fifty-four and eleven months; plus

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

19 (3) 0.2500 per cent for each month below age fifty and
20 above age forty-four and eleven months; plus

21 (4) 0.1666 per cent for each month below age forty-five;



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

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

17

INTRODUCED BY:

Lyn DeLoe BK



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Report Title:

DLE; Retirement for Public Officers and Employees; Allowances; Pension and Retirement Systems

Description:

Adds definitions for certain Department of Law Enforcement employees. Establishes guidance for the computation of retirement benefits for the Director of Law Enforcement, Deputy Director of the Department of Law Enforcement, Sheriff Division Investigator, Sheriff, and Department of Law Enforcement Investigator.

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