Honolulu, Hawaii

April 4, 2006

RE: S.B. No. 2295

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred S.B. No. 2295 entitled:

"A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS,"

begs leave to report as follows:

The purpose of this bill is to address constitutional concerns regarding residency restrictions in the private investigators and guards licensing law by:

- (1) Repealing the requirement that principal detectives and principal guards be residents to qualify for licensure;
- (2) Allowing a principal detective or principal guard who resides in another state to be licensed if they are responsible for direct management and control of the detective or guard services provided in Hawaii; and
- (3) Codifying the current regulatory practice of allowing an agency to employ more than one principal detective or principal guard to aid in employee management and control.

The Professional and Vocational Licensing Division of the Department of Commerce and Consumer Affairs supported this bill.

Your Committee notes that several out-of-state applicants have questioned the residency requirement for licensure, and that the Attorney General (AG) has provided written confirmation of the AG's advice that the requirement is unconstitutional.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2295 and recommends that it pass Third Reading.

Respectfully submitted on behalf of the members of the Committee on Consumer Protection & Commerce,

ROBERT N. HERKES, Chair

HSCR 1385-06

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Date:	2 2 4 4		
SB 2295 Committee Referral:	3. 29.06 The committee is reconsidering its			
PSM, CPC	previous decision on the measure.			
The recommendation is to: Pass, unamended	☐ Pass, with amendments			
☐ Hold	☐ Recommit			
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. HERKES, Robert N. (C)				
2. SCHATZ, Brian (VC)				
3. CALDWELL, Kirk				
4. ITO, Ken	/			
5. KANOHO, Ezra R.				
6. KARAMATSU, Jon Riki				
7. MORITA, Hermina M.				
8. SONSON, Alex M.				
9. SOUKI, Joseph M.				
10. MARUMOTO, Barbara C.				
11. STONEBRAKER, Bud				
				,

TOTAL	7			7
The recommendation is:				
☐ Not Adopted				
If joint referral,		did not suppo	ort recommendation	
n joint reterrat,comm	nittee acronym(s)	ir recommendation	•
Vice chair's or designee's signature:				
3				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office				