STAND. COM. REP. NO. 3357

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 3016

H.D. 3 S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

## Madam:

Your Committee on Ways and Means, to which was referred H.B. No. 3016, H.D. 3, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to authorize law enforcement officers of the Department of Land and Natural Resources Division of Conservation and Resources Enforcement Program to use electric guns in discharging their duties.

Specifically, this measure exempts Division of Conservation and Resources Enforcement officers from the prohibition against possession of electric guns. It also clarifies that law enforcement officers of the Department of Public Safety are exempt from the prohibition, in recognition of transfer to the Department of Public Safety the functions and authority of sheriffs. The measure also requires the Department of Land and Natural Resources to maintain records regarding electric guns and report annually on their use. Finally, the measure appropriates funds to the Department of Land and Natural Resources to establish an accreditation or credentialing program, purchase the electric guns and related equipment, and to train the law enforcement officers.

Testimony in support of this measure was submitted by the Nature Conservancy of Hawaii. Testimony in opposition to this measure was submitted by the American Civil Liberties Union of

Hawaii and a concerned citizen. Comments on this measure were submitted by the Department of Land and Natural Resources.

Your Committee finds that providing a less-than-lethal means to assist Conservation and Resources Enforcement Officers in the performance of their duties will help them successfully and safely protect the citizens of Hawaii and our natural resources. To ensure that electric guns are used as intended, this measure requires that the Department of Land and Natural Resources establish an accreditation and credentialing program for the use of electric guns by the Conservation and Resources Enforcement Officers.

Your Committee notes that accreditation or credentialing from a national program could be a very expensive and lengthy process. Your Committee also notes that it was the intent of the Committees on Public Safety and Water and Land to clarify that Narcotics Enforcement Investigators and Law Enforcement Officers in the sheriff's division of the Department of Public Safety also be authorized to possess electric guns. However, the actual language of Senate Draft 2 referred only to Law Enforcement Officers of the Department of Public Safety.

Accordingly, your Committees have amended this measure by:

- (1) Requiring the Department of Land and Natural Resources, prior to purchasing electric guns and related equipment, to obtain proficiency training in the use, handling, and storage of electric guns for Conservation and Resources Enforcement Officers from a certified trainer or training program used or offered by the county police departments for this purpose;
- (2) Clarifying that Narcotics Enforcement Investigators and Law Enforcement Officers in the sheriff's division of the Department of Public Safety are also authorized to possess electric guns; and
- (3) Making technical nonsubstantive changes for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3016, H.D. 3, S.D. 1, as amended herein, and recommends that

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it pass Third Reading in the form attached hereto as H.B. No. 3016, H.D. 3, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Ways and Means,

ROSALYN H. BAKER, Chair

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Ways and Means WAM

| Bill / Resolution No.:*    中B3の  し、中力3、5万  | PBS NTL, WAM   |                   | Date:<br>3   28   08 |         |
|--|--|-------------------|----------------------|---------|
| The committee is reconsidering its previous decision on this measure.  If so, then the previous decision was to:   |  |                   |                      |         |
| The Recommendation is:   |  |                   |                      |         |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313  |  |                   |                      |         |
| Members  | Aye  | Aye (WR)          | Nay                  | Excused |
| BAKER, Rosalyn H. (C)  |  |                   |                      |         |
| TSUTSUI, Shan S. (VC)  |  |                   |                      |         |
| CHUN OAKLAND, Suzanne  |  |                   |                      |         |
| ENGLISH, J. Kalani   |  |                   |                      |         |
| FUKUNAGA, Carol  |  |                   |                      |         |
| HOOSER, Gary L.  |  |                   |                      |         |
| INOUYE, Lorraine R.  | /  |                   |                      |         |
| KIM, Donna Mercado   |  |                   |                      |         |
| MENOR, Ron   |  |                   |                      |         |
| TOKUDA, JIII N.  |  |                   |                      |         |
| HEMMINGS, Fred   | Communication and the last section of the last | echemical control | ea Ina lea Heade, au |         |
| WHALEN, Paul   |  |                   |                      |         |
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| TOTAL  | 10   | O                 | D D                  | 2       |
| Recommendation:  Adopted Not Adopted   |  |                   |                      |         |
| Chair's or Designee's Signature:   |  |                   |                      |         |
| Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy |  |                   |                      |         |

\*Only one measure per Record of Votes