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# A BILL FOR AN ACT

RELATING TO PRIVATE GUARDS.

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

1           SECTION 1. The legislature finds that the purpose of Act  
2 208, Session Laws of Hawaii 2010, was to ensure the competency  
3 and professionalism of private security guards and individuals  
4 acting in a guard capacity by requiring these individuals to  
5 register as a guard with the board of private detectives and  
6 guards ("board") and meet new registration, instruction, and  
7 training requirements prior to acting as a guard.

8           The legislature further finds that, as the board has just  
9 completed the initial registration of approximately nine  
10 thousand guard employees in 2013, the board, industry, and  
11 registrants need some relief from the continuing education  
12 requirement that is scheduled to go into effect on June 30,  
13 2014. Accordingly, the effective date of the new continuing  
14 education requirements should be extended to the next renewal  
15 period of June 30, 2016.

16           The purpose of this Act is to amend provisions relating to  
17 private guards and individuals acting in a guard capacity by:



- 1 (1) Delaying commencement of the continuing education  
2 requirement by two years, thereby making the  
3 requirement effective prior to the June 30, 2016,  
4 renewal cycle;
- 5 (2) Making permanent the registration and licensure  
6 requirements for private guards and individuals acting  
7 in a guard capacity by repealing the sunset date of  
8 Act 208, Session Laws of Hawaii 2010; and
- 9 (3) Exempting loss prevention agents from the foregoing  
10 registration and licensure requirements.

11 SECTION 2. Section 463-10.5, Hawaii Revised Statutes, is  
12 amended as follows:

13 1. By amending subsection (c) to read:

14 "(c) Guards and individuals acting in a guard capacity  
15 shall successfully complete the classroom instruction specified  
16 by this section, pass a written test, and undergo four hours of  
17 on-the-job training supervised by an individual who has  
18 successfully completed all of the requirements of this section  
19 or who has otherwise been approved by the board for on-the-job  
20 training. Guards and individuals acting in a guard capacity  
21 shall successfully complete:



1 (1) Eight hours of classroom instruction before the first  
2 day of service; and

3 (2) Four hours of classroom instruction annually  
4 thereafter[-]; provided that in addition to relevant  
5 guard industry material, the required classroom  
6 instruction shall include a refresher component on  
7 professional image and aloha training."

8 2. By amending subsection (g) to read:

9 "(g) Prior to the June 30, [~~2014~~] 2016, renewal of the  
10 guard registration and every registration renewal thereafter,  
11 the applicant shall pay all required fees, and have had at least  
12 four hours of continuing education as specified in subsection  
13 (c) (2) and the rules of the board.

14 The board may conduct a random audit, pursuant to rules  
15 adopted pursuant to chapter 91, of registrants applying for  
16 renewal of a registration to determine whether the continuing  
17 education requirements of this subsection have been met.

18 The failure, neglect, or refusal of any registered guard to  
19 pay the renewal fee or meet the continuing education  
20 requirements shall constitute a forfeiture of the guard's  
21 registration. A forfeited registration may be restored upon  
22 written application within one year from the date of forfeiture,



1 payment of the required renewal fee plus penalty fees, and  
2 meeting the continuing education requirements in effect at the  
3 time of restoration."

4 SECTION 3. Section 463-13, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "**§463-13 Exemptions.** This chapter does not apply to any  
7 person, firm, company, partnership, or corporation or any bureau  
8 or agency whose business is exclusively the furnishing of  
9 information as to the business and financial standing and credit  
10 responsibility of persons, firms, or corporations, or as to  
11 personal habits and financial responsibility, of applicants for  
12 insurance, indemnity bonds, or commercial credit, or a person  
13 employed exclusively and regularly by one employer for the sole  
14 purpose of preventing the loss of property due to theft and  
15 where there exists an employer-employee relationship, or an  
16 attorney at law in performing the attorney's duties as such  
17 attorney at law."

18 SECTION 4. Act 208, Session Laws of Hawaii 2010, is  
19 amended by amending section 8 to read as follows:

20 "SECTION 8. This Act shall take effect upon its approval[+  
21 ~~provided that this Act shall be repealed on July 1, 2016, and~~  
22 ~~provided further that sections 463-1, 463-8, 463-9, and 463-13,~~



1 ~~Hawaii Revised Statutes, shall be reenacted in the form in which~~  
2 ~~they existed on the day before the effective date of this Act]."~~

3 SECTION 5. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2112.



**Report Title:**

Private Guards; Continuing Education; Registration; Licensure

**Description:**

Makes registration and licensure requirements for private guards and others acting in a guard capacity permanent; starts continuing education requirement prior to the June 30, 2016, renewal cycle; exempts loss prevention agents from private guard registration and licensure requirements. Effective July 1, 2112. (SB2486 HD1)

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

