### THE SENATE TWENTY-SEVENTH LEGISLATURE, 2014 STATE OF HAWAII

S.B. NO. <sup>2589</sup> S.D. 2 H.D. 2

" a v

C.D. 1

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

SECTION 1. Section 26-14.6, Hawaii Revised Statutes, is
 amended to read as follows:

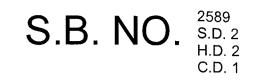
3 "§26-14.6 Department of public safety. (a) The
4 department of public safety shall be headed by a single
5 executive to be known as the director of public safety.

6 (b) The department of public safety shall be responsible 7 for the formulation and implementation of state policies and 8 objectives for correctional, security, law enforcement, and 9 public safety programs and functions, for the administration and 10 maintenance of all public or private correctional facilities and 11 services, for the service of process, and for the security of 12 state buildings.

(c) Effective July 1, 1990, the Hawaii paroling authority
and the crime victim compensation commission are placed within
the department of public safety for administrative purposes
only.

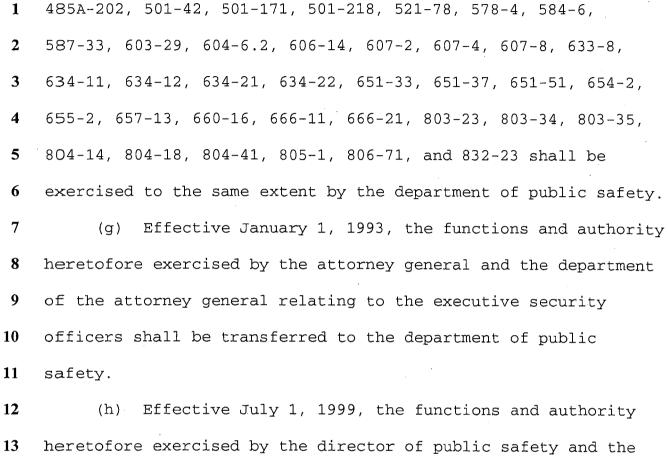
17 (d) Effective July 1, 1990, the functions and authority18 heretofore exercised by:





1	(1)	The department of corrections relating to adult	
2		corrections and the intake service centers;	
3	(2)	The judiciary relating to the sheriff's office and	
4		judiciary security personnel; and	
5	(3)	The department of the attorney general relating to	
6		state law enforcement officers and narcotics	
7		enforcement investigators with the narcotics	
8		enforcement division,	
9	shall be	transferred to the department of public safety.	
10	(e)	Effective July 1, 1990, the functions and authority	
11	heretofor	e exercised by the department of health pursuant to	
12	chapters	329 and 329C, with the exception of sections 329-2,	
13	329-3, an	d 329-4(3) to (8), shall be transferred to the	
14	department of public safety.		
15	(f)	Effective July 1, 1990, the functions, authority, and	
16	obligatio	ns, together with the limitations imposed thereon and	
17	the privi	leges and immunities conferred thereby, exercised by a	
18	"sheriff"	, "sheriffs", a "sheriff's deputy", "sheriff's	
19	deputies"	, a "deputy sheriff", "deputy sheriffs", or a "deputy",	
20	under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,		
21	231-25, 2	81-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,	
22	353-11, 3	56D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,	

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14 department of public safety relating to after hours security 15 contracts at department of education facilities, except for the 16 security functions being performed by employees of the public 17 library system as well as the contractual security services for 18 the libraries, shall be transferred to the department of 19 education.

20 (i) Effective January 1, 1993, the functions and authority
21 heretofore exercised by the director of health and the
22 department of health relating to uniformed security employees
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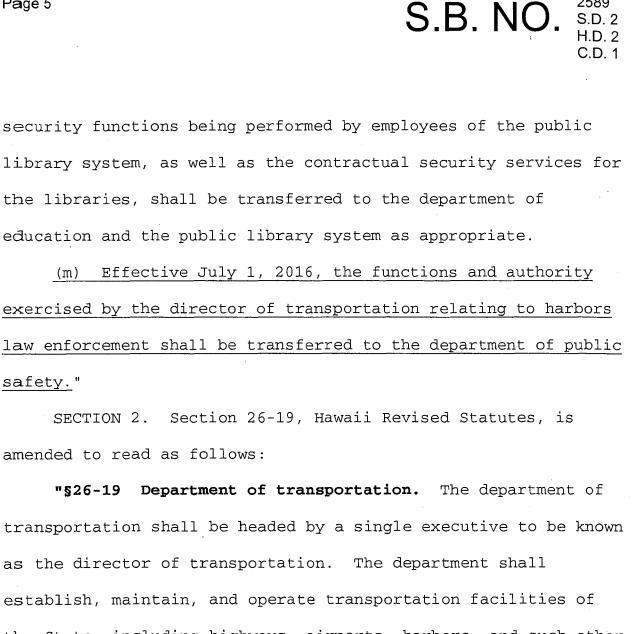
and security contracts at various state hospitals throughout the 1 2 State shall be transferred to the department of public safety. 3 Effective July 1, 2005, the functions, authority, and employee 4 positions of the department of public safety relating to uniformed security employees and security contracts at health 5 6 facilities that are under the operation, management, and control of the Hawaii health systems corporation shall be transferred to 7 the Hawaii health systems corporation. 8

9 (j) Effective January 1, 1993, the functions and authority 10 heretofore exercised by the director of human services and the 11 department of human services relating to contractual security 12 guard services shall be transferred to the department of public 13 safety.

14 (k) Effective July 1, 1994, the functions and authority
15 heretofore exercised by the adjutant general relating to
16 security for national guard and state civil defense facilities
17 in the Diamond Head complex, for after work hours, shall be
18 transferred to the department of public safety.

(1) Effective July 1, 2002, the functions and authority
heretofore exercised by the director of public safety and the
department of public safety relating to after hours security
contracts at department of education facilities, including all
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the State, including highways, airports, harbors, and such other transportation facilities and activities as may be authorized by law.

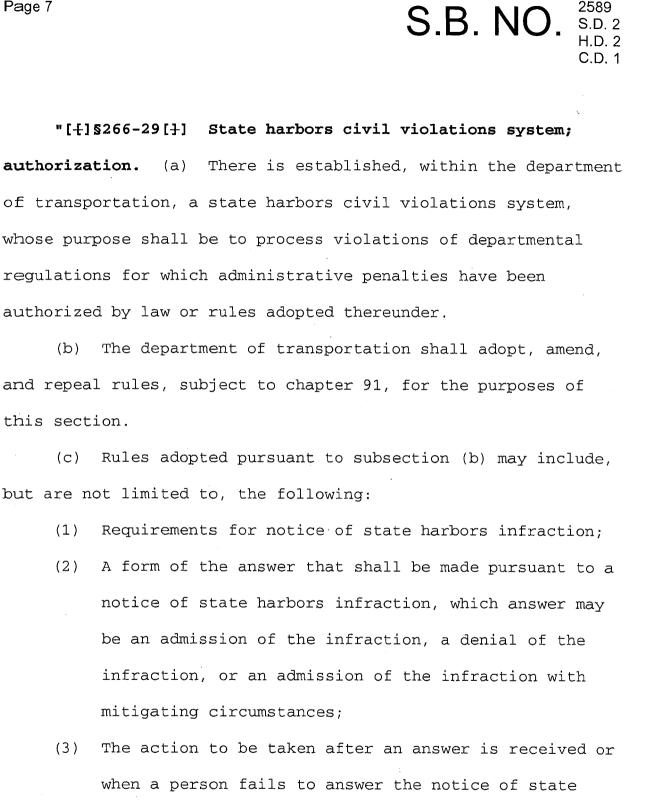
The department shall plan, develop, promote, and coordinate various transportation systems management programs that shall include, but not be limited to, alternate work and school hours programs, bicycling programs, and ridesharing programs.

1	The department shall develop and promote ridesharing			
2	programs which shall include but not be limited to, carpool and			
3	vanpool programs, and may assist organizations interested in			
4	promoting similar programs, arrange for contracts with private			
5	organizations to manage and operate these programs, and assist			
6	in the formulation of ridesharing arrangements. Ridesharing			
7	programs include informal arrangements in which two or more			
8	persons ride together in a motor vehicle.			
9	The functions and authority heretofore exercised by the			
10	department of public works with respect to highways are			
11	transferred to the department of transportation established by			
12	this chapter.			
13	Effective July 1, 2016, the functions and authority			
14	exercised by the director of transportation relating to harbors			
15	law enforcement shall be transferred to the department of public			
16	safety.			
17	On July 1, 1961, the Hawaii aeronautics commission, the			
18	board of harbor commissioners and the highway commission shall			
19	be abolished and their remaining functions, duties, and powers			
20	shall be transferred to the department of transportation."			
21	SECTION 3. Section 266-29, Hawaii Revised Statutes, is			
22	amended to read as follows:			

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harbors infraction;

Procedures for administrative hearings under this (4) section;



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The imposition and enforcement of monetary assessments 1 (5) 2 made pursuant to this section; and 3 (6) Means of assuring that the alleged violator who answers the notice of state harbors infraction by an 4 5 admission of the infraction or an admission of the infraction with mitigating circumstances has knowingly 6 7 and voluntarily elected to use the state harbors civil 8 violations system and waive the appeal provided for in 9 section 91-14. 10 (d) Notwithstanding any other provision of law to the contrary, all state harbors infractions that the department of 11 transportation identifies as subject to administrative penalties 12 13 may be adjudicated pursuant to this section. 14 Effective July 1, 2016, the issuance of citations or (e) notices of infractions of the state harbors civil violations 15 16 system shall be under the jurisdiction of the department of 17 public safety. All other functions and responsibilities shall

18 remain with the department of transportation."

19 SECTION 4. Section 353C-2, Hawaii Revised Statutes, is 20 amended to read as follows:

21 "\$353C-2 Director of public safety; powers and duties.
 22 [+](a)[+] The director of public safety shall administer the 2014-2113 SB2589 CD1 SMA-1.doc

public safety programs of the department of public safety and 1 shall be responsible for the formulation and implementation of 2 state goals and objectives for correctional and law enforcement .3 programs, including ensuring that correctional facilities and 4 correctional services meet the present and future needs of 5 persons committed to the correctional facilities. In the 6 7 administration of these programs, the director may: Preserve the public peace, prevent crime, detect and 8 (1)arrest offenders against the law, protect the rights 9 of persons and property, and enforce and prevent 10 violation of all laws and administrative rules of the 11 State as the director deems to be necessary or 12 desirable or upon request, to assist other state 13 officers or agencies that have primary administrative 14 responsibility over specific subject matters or 15 16 programs; Train, equip, maintain, and supervise the force of 17 (2) public safety officers, including law enforcement and 18

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19 correctional personnel, and other employees of the20 department;

21 (3) Serve process both in civil and criminal proceedings;
22 (4) Perform other duties as may be required by law;



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1	(5)	Adopt, pursuant to chapter 91, rules that are
2		necessary or desirable for the administration of
3		public safety programs; and
4	(6)	Enter into contracts in behalf of the department and
5		take all actions deemed necessary and appropriate for
6		the proper and efficient administration of the
7		department.
8	(b)	Effective July 1, 2016:
9	(1)	There shall be established a harbors section within
10		the department of public safety;
11	(2)	The functions and authority heretofore exercised by
12		the director of transportation relating to harbors law
13		enforcement shall be transferred to the department of
14		public safety; and
15	(3)	Harbor police officers shall meet the qualifications
16		established in accordance with section 353C-9, for
17		sheriffs of the department of public safety.
18	[ <del>[(b)]</del> ] <u>(c)</u> The department of public safety shall report	
19	to the legislature not later than twenty days prior to the	
20	commencement of the 2008 regular session, and every session	
21	thereafte	r, with its achievements, continuing improvements, and

1 ongoing problems in providing the appropriate mental health care 2 to committed persons under its jurisdiction." 3 SECTION 5. Section 353C-4, Hawaii Revised Statutes, is 4 amended by amending subsection (a) to read as follows: The director may appoint employees to be public 5 "(a) 6 safety officers who shall have all of the powers of police 7. officers; provided that the director may establish and assign 8 the employees to positions or categories of positions that may 9 have differing titles, specific duties, and limitations upon the 10 exercise of police powers [-]; provided further that all officers 11 assigned to carry out law enforcement functions at state harbors 12 shall meet the qualifications established for sheriffs of the 13 department." 14 SECTION 6. All rights, powers, functions, and duties of

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14 SECTION 6. All rights, powers, functions, and duties of 15 the department of transportation, harbors division related to 16 law enforcement are transferred to the department of public 17 safety.

18 All employees who occupy civil service positions and whose 19 functions are transferred to the department of public safety by 20 this Act shall retain their civil service status, whether 21 permanent or temporary. Employees shall be transferred without 22 loss of salary, seniority (except as prescribed by applicable 2014-2113 SB2589 CD1 SMA-1.doc

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collective bargaining agreements), retention points, prior 1 service credit, any vacation and sick leave credits previously 2 earned, and other rights, benefits, and privileges, in 3 accordance with state personnel laws and this Act; provided that 4 the employees possess the minimum qualifications and public 5 employment requirements for the class or position to which 6 7 transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to applicable 8 9 civil service and compensation laws.

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Any employee who, prior to this Act, is exempt from civil 10 service and is transferred as a consequence of this Act may 11 retain the employee's exempt status, but shall not be appointed 12 to a civil service position as a consequence of this Act. 13 An exempt employee who is transferred by this Act shall not suffer 14 any loss of prior service credit, vacation or sick leave credits 15 previously earned, or other employee benefits or privileges as a 16. consequence of this Act; provided that the employee possesses 17 legal and public employment requirements for the position to 18 19 which transferred or appointed, as applicable; provided further that subsequent changes in status may be made pursuant to 20 applicable employment and compensation laws. The director of 21 public safety may prescribe the duties and qualifications of 22 2014-2113 SB2589 CD1 SMA-1.doc 

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these employees and fix their salaries without regard to chapter
 76, Hawaii Revised Statutes.

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3 SECTION 7. All appropriations, records, equipment,
4 machines, files, supplies, contracts, books, papers, documents,
5 maps, and other personal property heretofore made, used,
6 acquired, or held by the department of transportation relating
7 to the functions transferred to the department of public safety
8 shall be transferred with the functions to which they relate.

9 SECTION 8. The director of public safety, in cooperation 10 with the director of transportation shall submit a report to the 11 legislature, including findings, recommendations, and updates on 12 the transference of functions and authority of harbors law 13 enforcement from the department of transportation to the 14 department of public safety, no later than twenty days prior to 15 the convening of the regular session of 2016.

16 SECTION 9. Statutory material to be repealed is bracketed17 and stricken. New statutory material is underscored.

18

SECTION 10. This Act shall take effect on July 1, 2014.



### Report Title:

Harbor Police; Department of Public Safety; Transfer

#### Description:

Transfers the law enforcement functions of the Harbors Division of the department of transportation to the department of public safety as of July 1, 2016. (CD1)

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

