

JAN 17 2014

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# A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1           SECTION 1. The legislature finds that the consumption of  
2 alcohol or certain prescription medications can impair the  
3 judgment and physical response of a law enforcement officer.  
4 The legislature also finds that it is important to establish a  
5 high standard and criteria regarding the consumption of alcohol  
6 and certain prescription medications in order to ensure the  
7 safety of everyone in the State.

8           The purpose of this Act is to prohibit state and county law  
9 enforcement officers from consuming alcohol or prescription  
10 medications that can mentally or physically impair their  
11 judgment while carrying a firearm.

12           SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is  
13 amended to read as follows:

14           "**§26-14.6 Department of public safety.** (a) The  
15 department of public safety shall be headed by a single  
16 executive to be known as the director of public safety.

17           (b) The department of public safety shall be responsible  
18 for the formulation and implementation of state policies and



1 objectives for correctional, security, law enforcement, and  
2 public safety programs and functions, for the administration and  
3 maintenance of all public or private correctional facilities and  
4 services, for the service of process, and for the security of  
5 state buildings.

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

10 (d) Effective July 1, 1990, the functions and authority  
11 heretofore exercised by:

- 12 (1) The department of corrections relating to adult  
13 corrections and the intake service centers;
- 14 (2) The judiciary relating to the sheriff's office and  
15 judiciary security personnel; and
- 16 (3) The department of the attorney general relating to  
17 state law enforcement officers and narcotics  
18 enforcement investigators with the narcotics  
19 enforcement division,

20 shall be transferred to the department of public safety.

21 (e) Effective July 1, 1990, the functions and authority  
22 heretofore exercised by the department of health pursuant to



1 chapters 329 and 329C, with the exception of sections 329-2,  
2 329-3, and 329-4(3) to (8), shall be transferred to the  
3 department of public safety.

4 (f) Effective July 1, 1990, the functions, authority, and  
5 obligations, together with the limitations imposed thereon and  
6 the privileges and immunities conferred thereby, exercised by a  
7 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's  
8 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",  
9 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,  
10 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,  
11 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-  
12 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,  
13 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,  
14 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,  
15 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,  
16 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to  
17 the same extent by the department of public safety.

18 (g) Effective January 1, 1993, the functions and authority  
19 heretofore exercised by the attorney general and the department  
20 of the attorney general relating to the executive security  
21 officers shall be transferred to the department of public  
22 safety.



1 (h) Effective July 1, 1999, the functions and authority  
2 heretofore exercised by the director of public safety and the  
3 department of public safety relating to after hours security  
4 contracts at department of education facilities, except for the  
5 security functions being performed by employees of the public  
6 library system as well as the contractual security services for  
7 the libraries, shall be transferred to the department of  
8 education.

9 (i) Effective January 1, 1993, the functions and authority  
10 heretofore exercised by the director of health and the  
11 department of health relating to uniformed security employees  
12 and security contracts at various state hospitals throughout the  
13 State shall be transferred to the department of public safety.

14 Effective July 1, 2005, the functions, authority, and employee  
15 positions of the department of public safety relating to  
16 uniformed security employees and security contracts at health  
17 facilities that are under the operation, management, and control  
18 of the Hawaii health systems corporation shall be transferred to  
19 the Hawaii health systems corporation.

20 (j) Effective January 1, 1993, the functions and authority  
21 heretofore exercised by the director of human services and the  
22 department of human services relating to contractual security



1 guard services shall be transferred to the department of public  
2 safety.

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

8 (l) Effective July 1, 2002, the functions and authority  
9 heretofore exercised by the director of public safety and the  
10 department of public safety relating to after hours security  
11 contracts at department of education facilities, including all  
12 security functions being performed by employees of the public  
13 library system, as well as the contractual security services for  
14 the libraries, shall be transferred to the department of  
15 education and the public library system as appropriate.

16 (m) Effective July 1, 2014, no department of public safety  
17 employee authorized to carry a firearm shall consume any alcohol  
18 while carrying a firearm or have consumed any alcohol within  
19 hours prior to carrying a firearm.

20 (n) Effective July 1, 2014, no department of public safety  
21 employee authorized to carry a firearm shall carry a firearm  
22 after ingesting any prescription medication that would impair



1 the judgment or physical response of the employee while carrying  
2 a firearm."

3 SECTION 3. Section 26-15, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "**§26-15 Department of land and natural resources.** (a)

6 The department of land and natural resources shall be headed by  
7 an executive board to be known as the board of land and natural  
8 resources, except for matters relating to the state water code  
9 where the commission on water resource management shall have  
10 exclusive jurisdiction and final authority.

11 The board shall consist of seven members, one from each  
12 land district and three at large. The appointment, tenure, and  
13 removal of the members and the filling of vacancies on the board  
14 shall be as provided in section 26-34. At least one member of  
15 the board shall have a background in conservation and natural  
16 resources, as provided in section 171-4.

17 The governor shall appoint the chairperson of the board  
18 from among the members thereof.

19 The board may delegate to the chairperson such duties,  
20 powers, and authority, or so much thereof, as may be lawful or  
21 proper for the performance of the functions vested in the board.



1       The chairperson of the board shall serve in a full-time  
2 capacity. The chairperson, in that capacity, shall perform  
3 those duties, and exercise those powers and authority, or so  
4 much thereof, as may be delegated by the board.

5       (b) The department shall manage and administer the public  
6 lands of the State and minerals thereon and all water and  
7 coastal areas of the State except the commercial harbor areas of  
8 the State, including the soil conservation function, the forests  
9 and forest reserves, aquatic life, wildlife resources, state  
10 parks, including historic sites, and all activities thereon and  
11 therein including, but not limited to, boating, ocean  
12 recreation, and coastal areas programs.

13       (c) The functions and authority heretofore exercised by  
14 the commissioner and board of public lands (including the  
15 hydrography division and the bureau of conveyances), the Hawaii  
16 water authority, the commission on ground water resources, the  
17 Hawaii land development authority, the soil conservation  
18 committee, and the commission on historical sites and the  
19 function of managing the state parks and the function of  
20 promoting the conservation, development and utilization of  
21 forests, including the regulatory powers over the forest  
22 reserve, aquatic life and wildlife resources of the State



1 heretofore exercised by the board of commissioners of  
2 agriculture and forestry as heretofore constituted are  
3 transferred to the department of land and natural resources  
4 established by this chapter.

5 (d) Effective July 1, 2014, no department of land and  
6 natural resources employee authorized to carry a firearm shall  
7 consume any alcohol while carrying a firearm or have consumed  
8 any alcohol within \_\_\_\_\_ hours prior to carrying a firearm.

9 (e) Effective July 1, 2014, no department of land and  
10 natural resources employee authorized to carry a firearm shall  
11 carry a firearm after ingesting any prescription medication that  
12 would impair the judgment or physical response of the employee  
13 while carrying a firearm."

14 SECTION 4. Section 26-19, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "**§26-19 Department of transportation.** (a) The department  
17 of transportation shall be headed by a single executive to be  
18 known as the director of transportation. The department shall  
19 establish, maintain, and operate transportation facilities of  
20 the State, including highways, airports, harbors, and such other  
21 transportation facilities and activities as may be authorized by  
22 law.





1        (b) The department shall plan, develop, promote, and  
2 coordinate various transportation systems management programs  
3 that shall include, but not be limited to, alternate work and  
4 school hours programs, bicycling programs, and ridesharing  
5 programs.

6        (c) The department shall develop and promote ridesharing  
7 programs which shall include but not be limited to, carpool and  
8 vanpool programs, and may assist organizations interested in  
9 promoting similar programs, arrange for contracts with private  
10 organizations to manage and operate these programs, and assist  
11 in the formulation of ridesharing arrangements. Ridesharing  
12 programs include informal arrangements in which two or more  
13 persons ride together in a motor vehicle.

14        (d) The functions and authority heretofore exercised by  
15 the department of public works with respect to highways are  
16 transferred to the department of transportation established by  
17 this chapter.

18        (e) On July 1, 1961, the Hawaii aeronautics commission,  
19 the board of harbor commissioners and the highway commission  
20 shall be abolished and their remaining functions, duties, and  
21 powers shall be transferred to the department of transportation.



1        (f) Effective July 1, 2014, no department of  
 2 transportation employee authorized to carry a firearm shall  
 3 consume any alcohol while carrying a firearm or have consumed  
 4 any alcohol within        hours prior to carrying a firearm.

5        (g) Effective July 1, 2014, no department of  
 6 transportation employee authorized to carry a firearm shall  
 7 carry a firearm after ingesting any prescription medication that  
 8 would impair the judgment or physical response of the employee  
 9 while carrying a firearm."

10        SECTION 5. Section 52D-6, Hawaii Revised Statutes, is  
 11 amended to read as follows:

12        "[+]§52D-6[+] **Police force; employees.** (a) The chief of  
 13 police may appoint officers and other employees under such rules  
 14 and at such salaries as are authorized by law. Probationary  
 15 appointment, suspension, and dismissal of officers and employees  
 16 of the police department shall be as authorized by law.

17        (b) Effective July 1, 2014, no police department officer  
 18 or employee authorized to carry a firearm shall consume any  
 19 alcohol while carrying a firearm or have consumed any alcohol  
 20 within        hours prior to carrying a firearm.

21        (c) Effective July 1, 2014, no police department officer  
 22 or employee authorized to carry a firearm shall carry a firearm



1 after ingesting any prescription medication that would impair  
2 the judgment or physical response of the officer or employee  
3 while carrying a firearm."

4 SECTION 6. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

7 SECTION 7. New statutory material is underscored.

8 SECTION 8. This Act shall take effect upon its approval.

9

INTRODUCED BY: Will Egan  
[Signature]  
Randy de Bob



**Report Title:**

Firearms; Law Enforcement Officers; Alcohol; Prescription Medications

**Description:**

Prohibits state and county law enforcement officers who are authorized to carry firearms from consuming alcohol or ingesting prescription medications that would impair the judgment or physical response of the employee while carrying a firearm. Prohibits the consumption of alcohol for an unspecified number of hours prior to carrying a firearm.

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

