

JAN 23 2014

---

# A BILL FOR AN ACT

RELATING TO A LAW ENFORCEMENT STANDARDS BOARD.

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

1       SECTION 1. It is the role of the State to oversee and  
2 regulate those professions and occupations that have a  
3 significant impact on society. Law enforcement is an area where  
4 more should be done by the State to provide standards and  
5 uniformity statewide. A recent example was the law recently  
6 enacted by the legislature to regulate private security guards.

7       Given the immense authority, such as the power to search,  
8 arrest, and use deadly force, that the State and counties grant  
9 to police, sheriffs, and other law enforcement officers, the  
10 State must enact a law that certifies law enforcement officers  
11 to ensure the highest standards of professionalism and bring  
12 uniformity of standards throughout our islands.

13       Hawaii is the only state in the country without any state-  
14 level regulation of police. Regulation is left to the counties.  
15 Hawaii is only one of six states that does not establish minimum  
16 standards required to be a police officer and does not have any  
17 procedure for revoking a police officer's certification for  
18 serious misconduct.



1       The purpose of this Act is to establish a law enforcement  
2 standards board for the certification of county police officers,  
3 state public safety officers, and employees of the departments  
4 of transportation and land and natural resources with police  
5 powers.

6       SECTION 2. The Hawaii Revised Statutes is amended by  
7 adding a new chapter to be appropriately designated and to read  
8 as follows:

9                               "CHAPTER

10                              LAW ENFORCEMENT STANDARDS BOARD

11       §   -1 Definitions. As used in this chapter, unless the  
12 context clearly indicates otherwise, the following terms shall  
13 mean as follows:

14       "Board" means the law enforcement standards board.

15       "Law enforcement officer" means:

16       (1) A police officer employed by a county police  
17           department;

18       (2) A public safety officer employed by the department of  
19           public safety; or



(3) An employee of the department of transportation or the department of land and natural resources who is conferred by law with general police powers.

**§ -2 Creation of law enforcement standards board;**

**composition.** (a) There is created in the department of the attorney general, for administrative purposes only, the law enforcement standards board, which shall consist of the following ex officio voting members, or their designees:

(1) The chiefs of police of the four counties;

(2) The director of public safety;

(3) The director of transportation; and

(4) The chair of the board of land and natural resources.

In addition to the ex officio members, one public member from each of the four counties shall be appointed by the governor, in accordance with section 26-34.

(b) The board shall select a chairperson and vice chairperson from among its members.

(c) The public members of the board shall receive no salary, but shall be entitled to reimbursement for necessary expenses, including travel expenses.



§ -3 Powers. The board shall have the power to do as follows:

- (1) Adopt rules in accordance with chapter 91 to implement this chapter;
- (2) Establish minimum standards for employment as a law enforcement officer and certify persons to be qualified as law enforcement officers;
- (3) Establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the State or a county for the specific purpose of training law enforcement officers;
- (4) Consult and cooperate with the counties, agencies of the state, other governmental agencies, universities, colleges, and other institutions concerning the development of law enforcement officer training schools and programs of criminal justice instruction;
- (5) Employ, subject to chapter 76, an administrator and other persons necessary to carry out its duties under this chapter;



(6) Investigate when there is reason to believe that a law enforcement officer does not meet the minimum standards for employment, and in so doing, may subpoena persons, books, records, or documents related to the investigation and require answers in writing under oath to questions asked by the council or the administrator;

(7) Establish and require participation in continuing education programs for law enforcement officers;

(8) Charge and collect fees for applications for certification as a law enforcement officer; and

(9) Establish procedures to revoke a certification issued pursuant to section -6(b) for serious misconduct.

**§ -4 Law enforcement standards board special fund;**

**established.** There is established in the state treasury the law enforcement standards board special fund. The revenues of the special fund shall consist of appropriations made by the legislature, fees charged by the board, grants, gifts, and interest on moneys deposited in the special fund. The special fund shall be used to defray the expenses of the board in implementing this chapter.



1       §   -5   **Training programs.**   The board shall establish and  
2 maintain law enforcement training programs through agencies and  
3 institutions deemed appropriate by the board for applications  
4 for certification.

5       §   -6   **Standards.**   (a)   No person may be appointed as a  
6 law enforcement officer unless the person:

7           (1)   Has satisfactorily completed a basic program of law  
8 enforcement training approved by the board; and

9           (2)   Possesses other qualifications that the board has  
10 established for the employment of law enforcement  
11 officers, including minimum age, education, physical  
12 and mental standards, citizenship, good conduct, moral  
13 character, and experience.

14          (b)   The board shall issue a certificate evidencing  
15 satisfaction of the requirements of this section to an applicant  
16 who satisfies the requirements of subsection (a) or  
17 satisfactorily completes a program or course of instruction in  
18 another jurisdiction equivalent in content and quality to that  
19 required under subsection (a).



1 (c) The board may deny or revoke the certificate of an  
2 applicant or law enforcement officer who fails to meet or  
3 maintain the standards required under this section (a).

4 § -7 **Employment of law enforcement officers.** (a)  
5 Except as provided under subsection (b), no person may be  
6 appointed as a law enforcement officer by any county police  
7 department, the department of public safety, the department of  
8 transportation, or the department of land and natural resources,  
9 unless the person has a valid certificate issued by the board  
10 under section -6.

11 (b) This section shall not apply to a person employed on a  
12 probationary basis, except that employment on a probationary  
13 basis may not exceed the period authorized for probationary  
14 employment as determined by the board."

15 SECTION 3. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$ or so much  
17 thereof as may be necessary for fiscal year 2014-2015 for  
18 deposit into the law enforcement standards board special fund.

19 SECTION 4. There is appropriated out of the law  
20 enforcement standards board special fund the sum of \$



1 or so much thereof as may be necessary for fiscal year 2014-2015  
2 for the purposes of this Act.

3 The sum appropriated shall be expended by the department of  
4 the attorney general for the purposes of this Act.

5 SECTION 5. All rights, powers, functions, and duties of  
6 the department of land and natural resources, the department of  
7 transportation, and the police departments of the several  
8 counties relating to law enforcement standards are transferred  
9 to the department of the attorney general.

10 All officers and employees whose functions are transferred  
11 by this Act shall be transferred with their functions and shall  
12 continue to perform their regular duties upon their transfer,  
13 subject to the state personnel laws and this Act.

14 No officer or employee of the State having tenure shall  
15 suffer any loss of salary, seniority, prior service credit,  
16 vacation, sick leave, or other employee benefit or privilege as  
17 a consequence of this Act, and such officer or employee may be  
18 transferred or appointed to a civil service position without the  
19 necessity of examination; provided that the officer or employee  
20 possesses the minimum qualifications for the position to which  
21 transferred or appointed; and provided that subsequent changes





1 in status may be made pursuant to applicable civil service and  
2 compensation laws.

3 An officer or employee of the State who does not have  
4 tenure and who may be transferred or appointed to a civil  
5 service position as a consequence of this Act shall become a  
6 civil service employee without the loss of salary, seniority,  
7 prior service credit, vacation, sick leave, or other employee  
8 benefits or privileges and without the necessity of examination;  
9 provided that such officer or employee possesses the minimum  
10 qualifications for the position to which transferred or  
11 appointed.

12 If an office or position held by an officer or employee  
13 having tenure is abolished, the officer or employee shall not  
14 thereby be separated from public employment, but shall remain in  
15 the employment of the State with the same pay and classification  
16 and shall be transferred to some other office or position for  
17 which the officer or employee is eligible under the personnel  
18 laws of the State as determined by the head of the department or  
19 the governor.

20 SECTION 6. All appropriations, records, equipment,  
21 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,  
2 acquired, or held by the department of land and natural  
3 resources, the department of transportation, and the police  
4 departments of the several counties relating to the functions  
5 transferred to the department of the attorney general shall be  
6 transferred with the functions to which they relate.

7 SECTION 7. All rules, policies, procedures, guidelines,  
8 and other material adopted or developed by the department of  
9 land and natural resources, the department of transportation,  
10 and the police departments of the several counties to implement  
11 provisions of the Hawaii Revised Statutes which are reenacted or  
12 made applicable to the department of the attorney general by  
13 this Act, shall remain in full force and effect until amended or  
14 repealed by the department of the attorney general pursuant to  
15 chapter 91, Hawaii Revised Statutes. In the interim, every  
16 reference to the department of land and natural resources, the  
17 department of transportation, and a police department of any of  
18 the several counties or the chair of the board of land and  
19 natural resources, the director of transportation, or the chief  
20 of police of any of the several counties in those rules,  
21 policies, procedures, guidelines, and other material is amended



1 to refer to the department of the attorney general or the  
2 attorney general as appropriate.

3 SECTION 8. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 9. This Act shall take effect on July 1, 2014;  
7 provided that the prohibition against the employment of  
8 noncertificated law enforcement officers established under  
9 section -7 contained in section 2 of this Act shall take  
10 effect on July 1, 2015.

11  
INTRODUCED BY:

Will Ezyro

Randy L. Paul



# S.B. NO. 2937

**Report Title:**

Law Enforcement Standards Board; Special Fund; Appropriations

**Description:**

Establishes a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers. Establishes a special fund. Appropriates funds.

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

