
A BILL FOR AN ACT

RELATING TO PRIVATE DETECTIVE AND PRIVATE GUARD IDENTIFICATION.

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

1 SECTION 1. The legislature finds that within the State
2 some private security guards may refer to or label themselves as
3 police officers or law enforcement officers despite the fact
4 that these individuals are not public servants vested by law and
5 do not represent county, state, or federal law enforcement
6 organizations. The legislature notes that private detectives
7 and private guards are not permitted to imply any association
8 with a government agency.

9 Additionally, the legislature finds that agents and
10 representatives contracted out by the department of
11 transportation have powers of police officers conferred upon
12 them.

13 Accordingly, the purpose of this Act is to remove the
14 department of transportation's authority to confer police powers
15 to persons performing services at airports under contract with
16 the department and to clarify that private detectives and



1 private guards are prohibited from self-identifying as a law
2 enforcement officer, police, or police officer.

3 SECTION 2. Section 261-17, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) The director of transportation, officers, and
6 employees of the department of transportation, and every state
7 and county officer charged with the enforcement of state laws
8 and ordinances, shall enforce and assist in the enforcement of
9 this chapter and of all rules and orders issued pursuant thereto
10 and of all other laws of the State; and in that connection each
11 of the persons may inspect and examine at reasonable hours any
12 premises, and the buildings and other structures thereon, where
13 airports, air navigation facilities, or other aeronautical
14 activities are operated or conducted. In aid of the enforcement
15 of this chapter, the rules and orders issued pursuant thereto,
16 and all other laws of the State, the powers of police officers
17 are conferred upon the director, and such of the officers,
18 employees, agents, and representatives of the department as may
19 be designated by the director to exercise such powers, including
20 the power to serve and execute warrants and arrest offenders,
21 and the power to serve notices and orders. For the purposes of



1 this subsection the term "agents and representatives" [~~includes~~]
2 does not include persons performing services at airports under
3 contract with the department."

4 SECTION 3. Section 463-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 **"§463-11 Association with government not to be implied.**

7 (a) No licensee shall use any designation or trade name which
8 implies any association with any municipal, county, state, or
9 territorial government or the federal government, or any agency
10 thereof; nor shall a licensee or employee of any licensee wear
11 or use any badge [~~or~~], uniform, equipment, vehicle, or other
12 accoutrement capable of being associated with the badge [~~or~~],
13 uniform, equipment, vehicle, or accoutrement of any law
14 enforcement officer employed by a government law enforcement
15 organization[-]; nor shall a licensee or employee of any
16 licensee use the terms "law enforcement officer", "police", or
17 "police officer" to self-identify.

18 (b) Any licensee or employee of any licensee who violates
19 this section shall be fined not more than \$1,000, or imprisoned
20 not more than ninety days, or both.



1 (c) For purposes of this section, "law enforcement
2 officer" has the same meaning as in section 710-1000."

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

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



Report Title:

Private Detectives; Private Guards; Law Enforcement Officers;
Association with Government Agency Prohibited; Identification;
Penalty

Description:

Removes the Department of Transportation's authority to confer police powers to persons performing services at airports under contract with the department. Clarifies that private detectives and private guards are prohibited from self-identifying as a law enforcement officer, police, or police officer. (HB1626 HD1)

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