

JAN 23 2015

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.



1 (b) The department of public safety shall be responsible
2 for the formulation and implementation of state policies and
3 objectives for correctional, security, law enforcement, and
4 public safety programs and functions, for the administration and
5 maintenance of all public or private correctional facilities and
6 services, for the service of process, and for the security of
7 state buildings.

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

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

14 (1) The department of corrections relating to adult
15 corrections and the intake service centers;

16 (2) The judiciary relating to the sheriff's office and
17 judiciary security personnel; and

18 (3) The department of the attorney general relating to
19 state law enforcement officers and narcotics
20 enforcement investigators with the narcotics
21 enforcement division,



1 shall be transferred to the department of public safety.

2 (e) Effective July 1, 1990, the functions and authority
3 heretofore exercised by the department of health pursuant to
4 chapters 329 and 329C, with the exception of sections 329-2,
5 329-3, and 329-4[~~(3)~~ to ~~(8)~~], shall be transferred to the
6 department of public safety.

7 (f) Effective July 1, 1990, the functions, authority, and
8 obligations, together with the limitations imposed thereon and
9 the privileges and immunities conferred thereby, exercised by a
10 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
11 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
12 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
13 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
14 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-
15 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, [~~587-33,~~
16 587A-13, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
17 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
18 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
19 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
20 exercised to the same extent by the department of public safety.



1 (g) Effective January 1, 1993, the functions and authority
2 heretofore exercised by the attorney general and the department
3 of the attorney general relating to the executive security
4 officers shall be transferred to the department of public
5 safety.

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

14 (i) Effective January 1, 1993, the functions and authority
15 heretofore exercised by the director of health and the
16 department of health relating to uniformed security employees
17 and security contracts at various state hospitals throughout the
18 State shall be transferred to the department of public safety.

19 Effective July 1, 2005, the functions, authority, and employee
20 positions of the department of public safety relating to
21 uniformed security employees and security contracts at health



1 facilities that are under the operation, management, and control
2 of the Hawaii health systems corporation shall be transferred to
3 the Hawaii health systems corporation.

4 (j) Effective January 1, 1993, the functions and authority
5 heretofore exercised by the director of human services and the
6 department of human services relating to contractual security
7 guard services shall be transferred to the department of public
8 safety.

9 (k) Effective July 1, 1994, the functions and authority
10 heretofore exercised by the adjutant general relating to
11 security for national guard and state emergency management
12 facilities in the Diamond Head complex, for after work hours,
13 shall be transferred to the department of public safety.

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



1 (m) Effective July 1, 2015, no department of public safety
2 employee authorized to carry a firearm shall consume any alcohol
3 while carrying a firearm or have consumed any alcohol within
4 hours prior to carrying a firearm; provided that an
5 employee who is taking part in an official criminal surveillance
6 or undercover operation shall be exempt from this subsection.

7 (n) Effective July 1, 2015, no department of public safety
8 employee authorized to carry a firearm shall carry a firearm
9 after ingesting any prescription medication that would impair
10 the judgment or physical response of the employee while carrying
11 a firearm; provided that an employee who is taking part in an
12 official criminal surveillance or undercover operation shall be
13 exempt from this subsection."

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

16 **"§26-15 Department of land and natural resources. (a)**

17 The department of land and natural resources shall be headed by
18 an executive board to be known as the board of land and natural
19 resources, except for matters relating to the state water code
20 where the commission on water resource management shall have
21 exclusive jurisdiction and final authority.



1 The board shall consist of seven members, one from each
2 land district and three at large. The appointment, tenure, and
3 removal of the members and the filling of vacancies on the board
4 shall be as provided in section 26-34. At least one member of
5 the board shall have a background in conservation and natural
6 resources, as provided in section 171-4. At least one member,
7 other than the member with a background in conservation and
8 natural resources, shall have demonstrated expertise in native
9 Hawaiian traditional and customary practices, as provided in
10 section 171-4, to ensure assistance to the board to better
11 administer the public lands and resources with respect to native
12 Hawaiian issues and concerns, the public land trust obligations,
13 and the recognition of native Hawaiian cultural values that are
14 intrinsically tied to the 'aina.

15 The governor shall appoint the chairperson of the board
16 from among the members thereof.

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

20 The chairperson of the board shall serve in a full-time
21 capacity. The chairperson, in that capacity, shall perform



1 those duties, and exercise those powers and authority, or so
2 much thereof, as may be delegated by the board.

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

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



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

4 (d) Effective July 1, 2015, no department of land and
5 natural resources employee authorized to carry a firearm shall
6 consume any alcohol while carrying a firearm or have consumed
7 any alcohol within hours prior to carrying a firearm;
8 provided that an employee who is taking part in an official
9 criminal surveillance or undercover operation shall be exempt
10 from this subsection.

11 (e) Effective July 1, 2015, no department of land and
12 natural resources employee authorized to carry a firearm shall
13 carry a firearm after ingesting any prescription medication that
14 would impair the judgment or physical response of the employee
15 while carrying a firearm; provided that an employee who is
16 taking part in an official criminal surveillance or undercover
17 operation shall be exempt from this subsection."

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

20 **"§26-19 Department of transportation. (a)** The department
21 of transportation shall be headed by a single executive to be



1 known as the director of transportation. The department shall
2 establish, maintain, and operate transportation facilities of
3 the State, including highways, airports, harbors, and such other
4 transportation facilities and activities as may be authorized by
5 law.

6 **(b)** The department shall plan, develop, promote, and
7 coordinate various transportation systems management programs
8 that shall include, but not be limited to, alternate work and
9 school hours programs, bicycling programs, and ridesharing
10 programs.

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

19 **(d)** The functions and authority heretofore exercised by
20 the department of public works with respect to highways are



1 transferred to the department of transportation established by
2 this chapter.

3 (e) On July 1, 1961, the Hawaii aeronautics commission,
4 the board of harbor commissioners and the highway commission
5 shall be abolished and their remaining functions, duties, and
6 powers shall be transferred to the department of transportation.

7 (f) Effective July 1, 2015, no department of
8 transportation employee authorized to carry a firearm shall
9 consume any alcohol while carrying a firearm or have consumed
10 any alcohol within hours prior to carrying a firearm;
11 provided that an employee who is taking part in an official
12 criminal surveillance or undercover operation shall be exempt
13 from this subsection.

14 (g) Effective July 1, 2015, no department of
15 transportation employee authorized to carry a firearm shall
16 carry a firearm after ingesting any prescription medication that
17 would impair the judgment or physical response of the employee
18 while carrying a firearm; provided that an employee who is
19 taking part in an official criminal surveillance or undercover
20 operation shall be exempt from this subsection."



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

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

(b) Effective July 1, 2015, no police department officer or employee authorized to carry a firearm shall consume any alcohol while carrying a firearm or have consumed any alcohol within hours prior to carrying a firearm; provided that an employee who is taking part in an official criminal surveillance or undercover operation shall be exempt from this subsection.

(c) Effective July 1, 2015, no police department officer or employee authorized to carry a firearm shall carry a firearm after ingesting any prescription medication that would impair the judgment or physical response of the officer or employee while carrying a firearm; provided that an employee who is taking part in an official criminal surveillance or undercover operation shall be exempt from this subsection."



S.B. NO. 197

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

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect on July 1, 2015.

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INTRODUCED BY: Will Zygo

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S.B. NO. 197

Report Title:

Firearms; Law Enforcement Officers; Alcohol; Prescription Medications

Description:

Prohibits police department officers and employees, department of public safety employees, department of land and natural resources employees, and department of transportation employees 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; provided that employees who are taking part in an official criminal surveillance or undercover operation shall be exempt from this requirement. Prohibits these employees from consuming 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.

