
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 judgment
3 and physical response times. The legislature also finds that it
4 is important to establish a high standard and criteria regarding
5 the consumption of alcohol and certain prescription medications
6 in order to ensure the safety of everyone in the State.

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

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

13 "§26-14.6 Department of public safety. (a) The
14 department of public safety shall be headed by a single
15 executive to be known as the director of public safety.

16 (b) The department of public safety shall be responsible
17 for the formulation and implementation of state policies and
18 objectives for correctional, security, law enforcement, and



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

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

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

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

19 shall be transferred to the department of public safety.

20 (e) Effective July 1, 1990, the functions and authority
21 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 587A-13, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
14 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
15 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
16 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
17 exercised to 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



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

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

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

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



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

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

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

19 (m) Effective July 1, 2015, no department of public safety
20 employee authorized to carry a firearm shall consume any alcohol
21 while carrying a firearm or have consumed any alcohol within



1 hours prior to carrying a firearm; provided that an
2 employee who is taking part in an official criminal surveillance
3 or undercover operation shall be exempt from this subsection.

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

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

13 **"§26-15 Department of land and natural resources. (a)**
14 The department of land and natural resources shall be headed by
15 an executive board to be known as the board of land and natural
16 resources, except for matters relating to the state water code
17 where the commission on water resource management shall have
18 exclusive jurisdiction and final authority.

19 The board shall consist of seven members, one from each
20 land district and three at large. The appointment, tenure, and
21 removal of the members and the filling of vacancies on the board



1 shall be as provided in section 26-34. At least one member of
2 the board shall have a background in conservation and natural
3 resources, as provided in section 171-4. At least one member,
4 other than the member with a background in conservation and
5 natural resources, shall have demonstrated expertise in native
6 Hawaiian traditional and customary practices, as provided in
7 section 171-4, to ensure assistance to the board to better
8 administer the public lands and resources with respect to native
9 Hawaiian issues and concerns, the public land trust obligations,
10 and the recognition of native Hawaiian cultural values that are
11 intrinsically tied to the 'aina.

12 The governor shall appoint the chairperson of the board
13 from among the members thereof.

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

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



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

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



1 transferred to the department of land and natural resources
2 established by this chapter.

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

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

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

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



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

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

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

18 **(d)** The functions and authority heretofore exercised by
19 the department of public works with respect to highways are
20 transferred to the department of transportation established by
21 this chapter.



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

5 (f) Effective July 1, 2015, no department of
6 transportation 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 provided that an employee who is taking part in an official
10 criminal surveillance or undercover operation shall be exempt
11 from this subsection.

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

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



1 "~~+~~§52D-6~~+~~ Police force; employees. (a) The chief of
2 police may appoint officers and other employees under ~~[such]~~
3 rules and ~~[at such]~~ salaries ~~[as]~~ that are authorized by law.
4 Probationary appointment, suspension, and dismissal of officers
5 and employees of the police department shall be as authorized by
6 law.

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

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



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.

7



Report Title:

Firearms; State and County Employees and 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. (SD1)

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

