
A BILL FOR AN ACT

RELATING TO SECURITY GUARDS.

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

1 SECTION 1. Section 463-10, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§463-10 Licenses; fees; [biennial]~~ triennial renewal of
4 licenses; inactive license. (a) The license shall state the
5 name and address of the principal office or place of business of
6 the licensee, the name under which the licensed business is to
7 be conducted, and the name of the principal detective or
8 principal guard, if the licensee is a detective agency or guard
9 agency.
10 (b) The ~~[biennial]~~ triennial renewal fee and compliance
11 resolution fund fees, or the inactive license fee, shall be paid
12 to the board on or before June 30 ~~[of each even-numbered year.]~~
13 of the year the license expires. These fees shall be as
14 provided in rules adopted by the director pursuant to chapter
15 91. The failure, neglect, or refusal of any licensee to pay
16 these fees and to submit all documents required by the board on



1 or before June 30 [~~of each even numbered year~~] shall result in
2 the automatic forfeiture of the licensee's license.

3 (c) A forfeited license may be restored upon written
4 application within one year of the date of expiration and upon
5 submittal of all required documents, fees, delinquent fees, and
6 a penalty fee.

7 (d) Upon written request by a licensee, the board may
8 place that licensee's active license on an inactive status. The
9 licensee, upon payment of the inactive license fee, may continue
10 on inactive status for the [~~biennial~~] triennial period. A
11 licensee may renew an inactive license upon notification to the
12 board. The failure, neglect, or refusal of any licensee on
13 inactive status to pay the inactive license fee shall result in
14 the automatic forfeiture of the licensee's license. While on
15 inactive status, a licensee shall not be engaged in the practice
16 of a private detective, guard, or agency. Any person who
17 violates this prohibition shall be subject to discipline under
18 this chapter and the board's rules. The license may be
19 reactivated at any time by filing an application for
20 reactivation with the board and:



- 1 (1) Fulfilling all requirements established by the board,
- 2 including the payment of the appropriate fees the
- 3 licensee would have paid had the licensee continued to
- 4 maintain the license on an active status; and
- 5 (2) Providing any information regarding any arrest or
- 6 conviction of any crime that reflects unfavorably on
- 7 the fitness of the licensee to engage in the
- 8 profession, and information that the licensee, while
- 9 on inactive status, has suffered a psychiatric or
- 10 psychological disorder that is directly related and
- 11 detrimental to the licensee's performance in the
- 12 profession.

13 The board may deny an application for reactivation as
 14 provided in its rules.

15 (e) For the purposes of this chapter, the dishonoring of
 16 any check upon first deposit shall constitute a failure to meet
 17 the fee requirements."

18 SECTION 2. Section 463-10.5, Hawaii Revised Statutes, is
 19 amended as follows:

20 1. By amending subsection (a) to read:



1 "(a) Effective July 1, 2013, all guards, and all agents,
2 operatives, and assistants employed by a guard agency, private
3 business entity, or government agency [~~who act~~] that acts in a
4 guard capacity shall apply to register with the board, and meet
5 the following registration, instruction, and training
6 requirements [~~prior to acting as a guard:~~] within thirty days
7 from the first day of employment:

- 8 (1) Be not less than eighteen years of age;
- 9 (2) Possess a high school education or its equivalent;
10 provided that the applicant may satisfy the
11 requirements of this paragraph by attesting that the
12 applicant has proof of a high school education or its
13 equivalent;
- 14 (3) Not be presently suffering from any psychiatric or
15 psychological disorder which is directly related and
16 detrimental to a person's performance in the
17 profession; and
- 18 (4) Not have been convicted in any jurisdiction of a crime
19 which reflects unfavorably on the fitness of the
20 individual to act as a guard, unless the conviction
21 has been annulled or expunged by court order; provided



1 that before the first day of employment the individual
2 shall ~~[submit to a]~~ successfully complete a criminal
3 history record check in accordance with section 846-
4 2.7, which includes fingerprinting, and a criminal
5 history record check conducted by the Federal Bureau
6 of Investigation or other national criminal history
7 record check as authorized by federal law, including
8 but not limited to the Private Security Officer
9 Employment Authorization Act of 2004, and specified in
10 the rules of the board.

11 The board shall determine whether an individual qualifies for
12 registration pursuant to this subsection."

13 2. By amending subsection (c) to read:

14 "(c) Guards and individuals acting in a guard capacity
15 shall successfully complete the minimum number of hours of
16 classroom instruction ~~[specified by this section,]~~ as
17 established by the board, pass a written test, and undergo four
18 hours of on-the-job training supervised by an individual who has
19 successfully completed all of the requirements of this section
20 or who has otherwise been approved by the board for on-the-job
21 training. ~~[Guards]~~ The board, by rules adopted in accordance



1 with chapter 91, shall establish the minimum number of hours of
2 classroom instruction that guards and individuals acting in a
3 guard capacity shall successfully complete[+]; provided that the
4 board may require:

- 5 (1) [~~Eight~~] Up to eight hours of classroom instruction
6 before the first day of service [~~and~~]; provided that
7 for purposes of this paragraph, "classroom
8 instruction" includes teleconferencing and other
9 formats that may be approved by the board; and
- 10 (2) [~~Four~~] Effective June 30, 2018, up to eight hours of
11 classroom instruction [~~biennially thereafter;~~] at
12 every triennial license renewal period; provided that
13 in addition to relevant guard industry material, the
14 required classroom instruction shall include a
15 refresher component on professional image and aloha
16 training[-]; provided further that for purposes of
17 this paragraph, "classroom instruction" includes but
18 is not limited to courses that may be presented in
19 alternate formats, such as videotape, audiotape,
20 digital video disc, remote place viewing, online
21 computer presentations, teleconferencing, computer



1 self-study, and other formats that may be approved by
2 the board."

3 3. By amending subsection (g) to read:

4 "(g) Prior to the June 30, 2016, renewal of the guard
5 registration and every registration renewal thereafter, the
6 applicant shall pay all required fees, and have had at least
7 [~~four hours of~~] the continuing education as specified in this
8 section and in the rules of the board.

9 The board may conduct a random audit, pursuant to rules
10 adopted pursuant to chapter 91, of registrants applying for
11 renewal of a registration to determine whether the continuing
12 education requirements of this subsection have been met.

13 The failure, neglect, or refusal of any registered guard to
14 pay the renewal fee or meet the continuing education
15 requirements shall constitute a forfeiture of the guard's
16 registration. A forfeited registration may be restored upon
17 written application within one year from the date of forfeiture,
18 payment of the required renewal fee plus penalty fees, and
19 meeting the continuing education requirements in effect at the
20 time of restoration."



1 SECTION 3. (a) The board of private detectives and guards
2 shall conduct a study which:

3 (1) Reviews the current laws, administrative rules, and
4 procedures currently governing the registration of
5 security guards, including:

6 (A) Provisions that mandate forfeiture of
7 registration rather than suspension for failure,
8 neglect, or refusal to pay renewal fees or meet
9 continuing education requirements; and

10 (B) Whether the current registration fees are too
11 high in relation to the median pay of security
12 guards and when compared to the licensing fees of
13 other professions;

14 (2) Analyzes whether the prices charged by training
15 instructors should be regulated by the Board; and

16 (3) Analyzes whether security guard agencies should be
17 prohibited from denying their employees from taking
18 outside supplemental employment.

19 (b) The board of private detectives and guards shall
20 submit its findings and recommendations, including any proposed
21 legislation or amendments to administrative rules and



1 procedures, to the legislature no later than twenty days prior
2 to the convening of the regular session of 2018.

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, 2090.



Report Title:

Security Guards; Licensure; Registration; Renewal; Continuing Education

Description:

Amends the process for registration, license renewal, instruction, and training for security guards. Requires report to Legislature. (SB1264 HD1)

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