
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that consistency in
2 recruitment and training are key for state and county law
3 enforcement agencies. There are no existing statewide standards
4 for recruitment of and training for law enforcement personnel
5 across the sheriff's division, harbor police, airport police,
6 and conservation and resources officers. There are also law
7 enforcement personnel in the department of the attorney general
8 and department of taxation who carry guns, wear badges, and have
9 arrest powers. All of these personnel could benefit from
10 statewide standards.

11 A recent incident within the department of land and natural
12 resources involved a Honolulu police officer who was fired from
13 the county, subsequently hired by the department of land and
14 natural resources, and ultimately charged with sexual assault of
15 a minor. This incident highlights the need to have statewide
16 recruitment and hiring standards. Ongoing training issues for
17 personnel in harbors, airports, and the sheriff's division also



1 suggest the need to consolidate training among state and county
2 agencies and to provide standards and policies across the board
3 that impact all state and county law enforcement officers.

4 The legislature further finds that Hawaii is currently one
5 of a small number of states that has no statewide standards for
6 law enforcement personnel at the county or state level. A
7 certification and de-certification process for state and county
8 law enforcement officers would be a significant positive step to
9 further professionalize Hawaii's law enforcement.

10 The intent of the legislature is to create cost savings,
11 efficiencies in operations, and consistency in hiring law
12 enforcement personnel within state and county government, as
13 well as establish statewide standards to improve law enforcement
14 personnel. It is also the intent of the legislature to
15 ultimately create a state certification process for state and
16 county law enforcement officers.

17 The purpose of this Act is to:

18 (1) Require the governor to appoint a law enforcement
19 working group to recommend professional recruitment,
20 hiring, and training standards for all state and



1 county law enforcement officers who carry firearms and
2 badges and who have arrest authority; and

3 (2) Prohibit a law enforcement officer who has been
4 terminated for misconduct by a state or county
5 department, agency, or office in the capacity of law
6 enforcement from being hired by another state or
7 county law enforcement department, agency, or office.

8 SECTION 2. (a) The governor shall appoint a law
9 enforcement working group to be administratively attached to the
10 department of the attorney general. The purpose of the working
11 group shall be to recommend a process and minimum requirements
12 for certification and de-certification of all state and county
13 law enforcement officers by establishing professional
14 recruitment, hiring, and training standards for all state and
15 county law enforcement officers who carry firearms and badges
16 and who have arrest authority.

17 (b) The law enforcement working group shall consist of the
18 following members:

19 (1) The attorney general or the attorney general's
20 designee;



- 1 (2) A representative of the division of conservation and
2 resources enforcement of the department of land and
3 natural resources;
- 4 (3) A representative of the department of public safety;
- 5 (4) A representative of the department of transportation;
- 6 (5) A representative of the compliance division of the
7 department of taxation;
- 8 (6) The director of human resources development or the
9 director's designee;
- 10 (7) The chief of police of each county police department
11 or each chief's respective designee; and
- 12 (8) Two community members to be appointed by the governor
13 without regard to section 26-34, Hawaii Revised
14 Statutes, and who have at least five years of
15 experience in criminal justice, academia, non-profit,
16 or private sector human resource management.
- 17 (c) In addition to subsection (b), the president of the
18 senate and the speaker of the house of representatives shall
19 each appoint to the law enforcement working group one individual
20 with at least ten years of experience in law enforcement at the



1 state, federal, or county level; provided that the individual
2 shall no longer be employed in a law enforcement capacity.

3 (d) The law enforcement working group shall meet at least
4 . All meetings of the law enforcement working group
5 shall be subject to the requirements of chapters 91 and 92,
6 Hawaii Revised Statutes.

7 (e) The law enforcement working group shall:

- 8 (1) Submit a preliminary report to the legislature by
9 December 1, 2020; provided that prior to completion of
10 the report, the law enforcement working group shall
11 hold at least two public hearings to receive public
12 testimony and comments on a draft of the report; and
13 (2) Submit a final report to the legislature by
14 December 1, 2021, which shall include recommendations
15 for statewide recruitment standards, hiring standards,
16 and training standards for all law enforcement
17 officers in order to be certified by the State to
18 serve as a law enforcement officer; provided that at a
19 minimum, all state and county law enforcement officers
20 shall be required to be high school graduates.



1 (f) The law enforcement working group shall cease to exist
2 on May 31, 2022.

3 SECTION 3. Chapter 28, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§28- Hiring of terminated law enforcement officer
7 prohibited. A law enforcement officer who has been terminated
8 for misconduct by a state or county department, agency, or
9 office in the capacity of law enforcement shall not be hired by
10 another state or county law enforcement department, agency, or
11 office unless the law enforcement officer is reinstated through
12 collective bargaining or the legal process. The department of
13 the attorney general shall be responsible for maintaining a list
14 of all law enforcement officers who have been terminated or
15 forced to resign for misconduct by a state or county department,
16 agency, or office; provided that law enforcement officers who
17 have been reinstated shall be removed from the list as soon as
18 reasonably possible."

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect on January 1, 2050.

21



Report Title:

Law Enforcement Working Group; Misconduct; Termination;
Statewide Standards

Description:

Establishes a temporary law enforcement working group to recommend certification and de-certification requirements for state and county law enforcement officers who carry firearms and badges and have arrest authority. Prohibits law enforcement officers who are terminated for misconduct by a state or county department, agency, or office in a law enforcement capacity from being hired by another state or county law enforcement department, agency, or office unless the officer is reinstated through collective bargaining or the legal process. Takes effect 1/1/2050. (SD2)

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