

JAN 19 2018

A BILL FOR AN ACT

RELATING TO AIRPORTS.

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

1 SECTION 1. The legislature finds that the Daniel K. Inouye
2 International Airport is one of the world's largest and busiest
3 airports that is served by twenty-seven international and
4 domestic carriers, three interisland airlines, and four commuter
5 airlines. Eight federal government agencies are located within
6 the airport complex. Thus, law enforcement and security
7 officers are critically important to ensure airport safety and
8 security.

9 The legislature further finds that existing law confers the
10 powers of police officers upon the director of transportation
11 and any officers, employees, agents, and representatives of the
12 department of transportation as may be designated by the
13 director of transportation to exercise police powers. The law
14 defines agents and representatives of the department of
15 transportation to include persons performing services at
16 airports under contract with the department, such as security
17 officers employed by private security companies.



1 Thus, pursuant to this law, these contracted private
2 security officers may be considered active law enforcement
3 officers while on duty at the airport with the same powers as
4 state and county law enforcement officers. Private security
5 personnel are hired to enforce the federal Transportation
6 Security Administration's approved Airport Security Plan to
7 ensure that all security preventive measures are met to the
8 satisfaction of the Transportation Security Administration
9 Office of Inspections. However, there have been numerous
10 problems regarding these contracted private security officers
11 abusing their enforcement powers or engaging in activities that
12 appear to fall outside the scope of their duties.

13 The legislature notes that since July 1, 2002, the
14 department of transportation has had an agreement with the
15 department of public safety that authorizes deputy sheriffs from
16 the department of public safety to provide security and law
17 enforcement at the Daniel K. Inouye International Airport, which
18 is the only airport in the State with stationed deputies.
19 Unlike the duties of contracted private security officers, a
20 total of fifty-seven uniformed deputy sheriffs respond as needed
21 and assist with arresting and transporting suspects at the



1 airport. However, the department of transportation recently
2 notified the department of public safety of its intention to
3 terminate this agreement because the department of
4 transportation believes the agreement is outdated.

5 Although the department of transportation is open to
6 working with the department of public safety to create a new
7 agreement, if a new agreement is not reached, the Daniel K.
8 Inouye International Airport, which is the busiest airport in
9 the State, will rely on contracted private security officers,
10 like the other airports across the State. Thus, legislative
11 intervention is necessary to ensure that safety and security is
12 provided to all who work at and use the State's airports, and
13 conform with all federal and state laws, requirements, and
14 orders.

15 The purpose of this Act is to permit, rather than require,
16 the designation of police powers to the director of
17 transportation; provided that any designation or delegation of
18 police powers is subject to legislative approval, and to remove
19 the authority of the director to delegate such police power to
20 any officer, employee, agent, or representative of the
21 department of transportation.



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

"(a) The director of transportation, officers, and employees of the department of transportation, and every state and county officer charged with the enforcement of state laws and ordinances, shall enforce and assist in the enforcement of this chapter and of all rules and orders issued pursuant thereto and of all other laws of the State; and in that connection each of the persons may inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where airports, air navigation facilities, or other aeronautical activities are operated or conducted. In aid of the enforcement of this chapter, the rules and orders issued pursuant thereto, and all other laws of the State, the powers of police officers [are] may be conferred upon the director[, ~~and such of the officers, employees, agents, and representatives of the department as may be designated by the director to exercise such powers, including the power to serve and execute warrants and arrest offenders, and the power to serve notices and orders.~~ For the purposes of this subsection the term "agents and representatives" includes persons performing services at



1 ~~airports under contract with the department.]~~; provided that any
2 designation or delegation of police powers shall be subject to
3 legislative approval."

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

6 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Airports; Security; Police Powers; Legislative Approval;
Director of Transportation

Description:

Permits, rather than requires, the designation of police powers to the director of transportation; provided that any designation or delegation is subject to legislative approval. Removes the authority of the director to delegate police power to any officer, employee, agent, or representative of the department of transportation.

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