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# 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 law enforcement  
3 agencies. There are no existing statewide standards for  
4 recruitment and training for law enforcement personnel within  
5 the sheriff's division, harbor police, airport police, and  
6 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 these types of 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 agencies  
2 and to provide standards and policies across the board that  
3 impact all state law enforcement officers.

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

10 The intent of the legislature is to create cost savings,  
11 efficiencies in operations, and consistency in hiring of law  
12 enforcement personnel within state government, as well as  
13 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 law  
16 enforcement personnel.

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 law



1 enforcement officers who carry firearms and badges and  
2 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 public safety. The purpose of the working group  
11 shall be to recommend a process and minimum requirements for  
12 certification and de-certification of all state law enforcement  
13 officers by establishing professional recruitment, hiring, and  
14 training standards for all state law enforcement officers who  
15 carry firearms and badges and who have arrest authority.

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

18 (1) The director of public safety or the director's  
19 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 harbors division of the  
5 department of transportation;
- 6 (4) A representative of the airports division of the  
7 department of transportation;
- 8 (5) A representative of the department of the attorney  
9 general;
- 10 (6) A representative of the compliance division of the  
11 department of taxation;
- 12 (7) The director of human resources development or the  
13 director's designee;
- 14 (8) The chief of police of each county police department  
15 or the chief's respective designee; and
- 16 (9) Two community members to be appointed by the governor  
17 without regard to section 26-34, Hawaii Revised  
18 Statutes, and who have at least five years of  
19 experience in criminal justice, academia, non-profit,  
20 or private sector human resource management.



1           (c) In addition to subsection (b), the president of the  
2 senate and the speaker of the house of representatives shall  
3 each appoint to the law enforcement working group one individual  
4 with at least ten years of experience in law enforcement at the  
5 state, federal, or county level; provided that the individual  
6 shall no longer be employed in a law enforcement capacity.

7           (d) The law enforcement working group shall meet at least  
8 twice in each quarter of a year. All meetings of the law  
9 enforcement working group shall be subject to the requirements  
10 of chapters 91 and 92, Hawaii Revised Statutes.

11          (e) The law enforcement working group shall:

- 12          (1) Make a preliminary report to the legislature by  
13             December 1, 2020; provided that prior to the  
14             completion of the report, the law enforcement working  
15             group shall hold at least two public hearings to  
16             receive public testimony and comments on a draft of  
17             the report; and
- 18          (2) Make a final report to the legislature by December 1,  
19             2021, which shall include recommendations for  
20             statewide recruitment standards, hiring standards, and  
21             training standards for all law enforcement officers in



1 order to be certified by the State to serve as a law  
2 enforcement officer; provided that at a minimum, all  
3 state law enforcement officers shall be required to be  
4 high school graduates.

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

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

10 "§28- Hiring of terminated law enforcement officer  
11 prohibited. A law enforcement officer who has been terminated  
12 for misconduct by a state or county department, agency, or  
13 office in the capacity of law enforcement shall not be hired by  
14 another state or county law enforcement department, agency, or  
15 office. The department of the attorney general shall be  
16 responsible for maintaining a list of all law enforcement  
17 officers who have been terminated or forced to resign for  
18 misconduct by a state or county department, agency, or office."

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

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**Report Title:**

Law Enforcement; Working Group; Misconduct; Termination

**Description:**

Creates a temporary law enforcement working group to make recommendations to the legislature on establishing professional recruitment, hiring, and training standards for all state law enforcement officers who carry firearms and badges and who have arrest authority. Prohibits a law enforcement officer who has been terminated for misconduct by a state or county department, agency, or office in the capacity of law enforcement from being hired by another state or county law enforcement department, agency, or office. (SD1)

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

