
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 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 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 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 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 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 of 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 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 and county law
13 enforcement officers by establishing professional recruitment,
14 hiring, and training standards for all state and county law
15 enforcement officers who carry firearms and badges and who have
16 arrest authority.

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

19 (1) The director of public safety or the director'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 transportation;
- 5 (4) A representative of the department of the attorney
- 6 general;
- 7 (5) A representative of the compliance division of the
- 8 department of taxation;
- 9 (6) The director of human resources development or the
- 10 director's designee;
- 11 (7) The chief of police of each county police department
- 12 or the chief's respective designee; and
- 13 (8) Two community members to be appointed by the governor
- 14 without regard to section 26-34, Hawaii Revised
- 15 Statutes, and who have at least five years of
- 16 experience in criminal justice, academia, non-profit,
- 17 or private sector human resource management.
- 18 (c) In addition to subsection (b), the president of the
- 19 senate and the speaker of the house of representatives shall
- 20 each appoint to the law enforcement working group one individual
- 21 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 twice in each quarter of a year. All meetings of the law
5 enforcement working group shall be subject to the requirements
6 of chapters 91 and 92, Hawaii Revised Statutes.

7 (e) The law enforcement working group shall:

- 8 (1) Make a preliminary report to the legislature by
9 December 1, 2020; provided that prior to the
10 completion of the report, the law enforcement working
11 group shall hold at least two public hearings to
12 receive public testimony and comments on a draft of
13 the report; and
- 14 (2) Make a final report to the legislature by December 1,
15 2021, which shall include recommendations for
16 statewide recruitment standards, hiring standards, and
17 training standards for all law enforcement officers in
18 order to be certified by the State to serve as a law
19 enforcement officer; provided that at a minimum, all
20 state and county law enforcement officers shall be
21 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. The department of the attorney general shall be
12 responsible for maintaining a list of all law enforcement
13 officers who have been terminated or forced to resign for
14 misconduct by a state or county department, agency, or office;
15 provided that law enforcement officers who have been reinstated
16 shall be removed from the list as soon as reasonably possible."

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2035.

19



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 and county 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. Effective 7/1/2035.
(SD2)

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