

JAN 24 2018

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

PART I

SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

"PART . ENFORCEMENT DIVISION

§28-A Enforcement division. (a) There is established in the department of the attorney general an enforcement division. The enforcement division shall consist of law enforcement officers, investigators, and other specialized personnel necessary to implement this section. Personnel subject to this part shall be appointed by the attorney general, who shall fix their compensation. Every appointee shall be entitled to hold the appointee's position during good behavior, subject to removal by the attorney general only as provided in chapter 76.

(b) The enforcement division shall engage in all matters relating to state law enforcement, including the functions and authority heretofore exercised by the:



(1) Department of land and natural resources -- division of conservation and resources enforcement;

(2) Department of public safety -- state law enforcement officers; and narcotics enforcement investigators with the narcotics enforcement division; and

(3) Department of transportation -- harbors division.

§28-B Law enforcement officers. (a) The law enforcement officers appointed by the attorney general shall have all of the powers of police officers, including the power of arrest. The duties of the law enforcement officers shall include the service of process, including subpoenas, warrants, and other legal documents, and other duties as the attorney general may assign.

(b) The state law enforcement officers transferred from the department of public safety by Act , Session Laws of Hawaii 2018, shall be responsible for public safety in state buildings as well as the personal protection of government officials and employees while in the conduct of their duties.

§28-C Parking fees, exemption. Notwithstanding any other law to the contrary, law enforcement officers of the department of the attorney general are exempt from all state and county parking meter fees and county time parking restrictions while in



1 the performance of their official duties, including attendance
2 at court; provided that the exemption shall:

3 (1) Apply exclusively to state owned law enforcement
4 vehicles assigned to the department of the attorney
5 general; and

6 (2) Not apply to private individuals retained by the
7 department on a contractual basis to serve civil
8 process in any capacity.

9 **§28-D Department accreditation required.** The department
10 of the attorney general shall pursue and obtain accreditation
11 for its sheriffs from the Commission on Accreditation for Law
12 Enforcement Agencies, Inc.

13 **§28-E Service of process; list.** (a) For service of
14 process, the attorney general shall maintain a list of
15 independent civil process servers to process:

16 (1) Orders to show cause pursuant to chapters 603, 604,
17 and 633;

18 (2) Garnishment pursuant to chapter 652;

19 (3) Writs of replevin and attachment pursuant to chapter
20 634;

21 (4) Writs of possession pursuant to chapters 501 and 666;



(5) Orders for examination pursuant to chapter 636; and

(6) Writs of attachment or execution pursuant to chapter 651.

(b) Any independent civil process server may submit the server's name to the attorney general to be placed on the list; provided that a person shall not be placed on the list if the person:

(1) Is serving a criminal sentence;

(2) Has been convicted of a crime within the previous ten years;

(3) Is required to register as a sex offender;

(4) Is subject to any other legal restriction, including a temporary restraining order, that prevents the person from serving process; or

(5) Cannot provide a copy of a current State of Hawaii general excise tax license.

(c) The department of the attorney general, the State, and the agencies, officers, and employees of the department of the attorney general or the State shall not be responsible or liable for the actions of any independent civil process servers on the list. The maintenance of the list shall not create a private



1 cause of action against the department of the attorney general,
2 the State, or the agencies, officers, and employees of the
3 department of the attorney general or the State.

4 (d) Placement of a person's name on the list shall not
5 make the person a law enforcement officer, sheriff or deputy
6 sheriff, or an employee or agent of the State."

7 SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsection (b) to read:

10 "(b) The department of public safety shall be responsible
11 for the formulation and implementation of state policies and
12 objectives for correctional, security, [~~law enforcement,~~] and
13 public safety programs and functions, for the administration and
14 maintenance of all public or private correctional facilities and
15 services, [~~for the service of process,~~] and for the security of
16 state buildings."

17 2. By amending subsections (d), (e), and (f) to read:

18 "(d) Effective July 1, 1990, the functions and authority
19 heretofore exercised by:

20 (1) The department of corrections relating to adult
21 corrections and the intake service centers;



1 (2) The judiciary relating to the sheriff's office and
2 judiciary security personnel; and

3 (3) The department of the attorney general relating to
4 state law enforcement officers and narcotics
5 enforcement investigators with the narcotics
6 enforcement division,

7 shall be transferred to the department of public safety.

8 Effective July 1, 2019, the functions and authority
9 heretofore exercised by the department of public safety relating
10 to personnel subject to paragraphs (2) and (3) shall be
11 transferred to the department of the attorney general.

12 (e) Effective July 1, 1990, the functions and authority
13 heretofore exercised by the department of health pursuant to
14 chapters 329 and 329C, with the exception of sections 329-2,
15 329-3, and 329-4(3) to (8), shall be transferred to the
16 department of public safety.

17 Effective July 1, 2019, the functions and authority
18 heretofore exercised by the department of public safety pursuant
19 to sections 329-51, 329-59, and 329-69 shall be transferred to
20 the department of the attorney general.



(f) Effective July 1, 1990, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same extent by the department of public safety.

Effective July 1, 2019, the functions, authority, and obligations, together with the limitations imposed thereon and the privileges and immunities conferred thereby, exercised by a "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,



1 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-
2 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587A-13,
3 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
4 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
5 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
6 804-18, 804-41, 805-1, 806-71, and 832-23 shall not be exercised
7 by the department of public safety."

8 SECTION 3. Section 28-151, Hawaii Revised Statutes, is
9 amended by amending the definition of "law enforcement officer"
10 to read as follows:

11 "Law enforcement officer" means a sheriff, deputy sheriff,
12 police officer, enforcement officer within the department of
13 ~~[land and natural resources conservation and resources~~
14 ~~enforcement program, enforcement officer within the department~~
15 ~~of transportation harbors division,]~~ the attorney general
16 enforcement division and any other employee of a state or county
17 public body who carries a badge and firearm and has powers of
18 arrest."

19 SECTION 4. Section 78-52, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:



1 "(a) Unless the context otherwise requires, for the
2 purposes of this section:

3 "Emergency services personnel" means any employee of an
4 emergency services provider who is engaged in providing
5 firefighting, water safety, and emergency medical services.

6 "Emergency services provider" means any public employer
7 that employs persons to provide firefighting, water safety, and
8 emergency medical services.

9 "Employee assistance program" means a program established
10 by a law enforcement agency or emergency services provider to
11 provide counseling or support services to employees of the law
12 enforcement agency or emergency services provider.

13 "Law enforcement agency" means any county police
14 department, the department of [~~public safety,~~] the attorney
15 general, and any state or county public body that employs law
16 enforcement officers.

17 "Law enforcement officer" means a sheriff, deputy sheriff,
18 police officer, parole officer, or probation officer.

19 "Peer support counseling sessions" includes critical
20 incident stress management sessions."



1 SECTION 5. Section 88-21, Hawaii Revised Statutes, is
2 amended by amending the definition of "public safety
3 investigations staff investigators" to read as follows:

4 "Public safety investigations staff investigators": those
5 employees in the [~~investigations staff office of the department~~
6 ~~of public safety~~] department of the attorney general enforcement
7 division who have been conferred police powers by the [~~director~~
8 ~~of public safety~~] attorney general in accordance with section
9 [353C-4] 28-B and are in the positions of investigator I to
10 VII."

11 SECTION 6. Section 134-2, Hawaii Revised Statutes, is
12 amended by amending subsection (j) to read as follows:

13 "(j) In all cases where a permit application under this
14 section is denied because an applicant is prohibited from
15 owning, possessing, receiving, or controlling firearms under
16 federal or state law, the chief of police of the applicable
17 county shall, within ten business days from the date of denial,
18 send written notice of the denial including the identity of the
19 applicant and the reasons for the denial to the:

20 (1) Prosecuting attorney in the county where the permit
21 was denied;



1 (2) Attorney general; and

2 (3) United States Attorney for the District of Hawaii[+]

3 and

4 ~~(4) Director of public safety]~~.

5 If the permit to acquire was denied because the applicant
6 is subject to an order described in section 134-7(f), the chief
7 of police shall, within three business days from the date of
8 denial, send written notice of the denial to the court that
9 issued the order.

10 When the ~~[director of public safety]~~ attorney general
11 receives notice that an applicant has been denied a permit
12 because of a prior criminal conviction, the ~~[director of public~~
13 ~~safety]~~ attorney general shall determine whether the applicant
14 is currently serving a term of probation or parole, and if the
15 applicant is serving such a term, send written notice of the
16 denial to the applicant's probation or parole officer."

17 SECTION 7. Section 134-16, Hawaii Revised Statutes, is
18 amended by amending subsections (c) to (f) to read as follows:

19 "(c) This section shall not apply to:

20 (1) Law enforcement officers of county police departments;



(2) Law enforcement officers of the department of ~~[public safety,]~~ the attorney general;

~~[(3) Conservation and resources enforcement officers of the department of land and natural resources,~~

~~+(4)]~~ (3) Members of the Army or Air National Guard when assisting civil authorities in disaster relief, emergency management, or law enforcement functions, subject to the requirements of section 121-34.5; and

~~[(5)]~~ (4) Vendors providing electric guns to the individuals described in paragraphs (1) through ~~[(4),]~~ (3);

provided that electric guns shall at all times remain in the custody and control of the law enforcement officers of the county police departments, the law enforcement officers of the department of ~~[public safety, the conservation and resources enforcement officers of the department of land and natural resources,]~~ the attorney general, or the members of the Army or Air National Guard.

(d) The county police departments of this State, the department of ~~[public safety, the department of land and natural resources,]~~ the attorney general, and the army and air national



1 guard shall maintain records regarding every electric gun in
2 their custody and control. The records shall report every
3 instance of [~~usage~~] use of the electric guns; in particular,
4 records shall be maintained in a similar manner as for those of
5 discharging of firearms. The county police departments, the
6 department of [~~public safety, the department of land and natural~~
7 ~~resources,~~] the attorney general, and the army and air national
8 guard shall annually report to the legislature regarding these
9 records no later than twenty days before the beginning of each
10 regular session of the legislature.

11 (e) The department of [~~land and natural resources and the~~
12 ~~department of public safety~~] the attorney general shall ensure
13 that each of its [~~conservation and resources enforcement~~
14 ~~officers and~~] law enforcement officers who is authorized to use
15 an electric gun and related equipment shall first receive
16 training from the manufacturer or from a manufacturer-approved
17 training program, as well as by manufacturer-certified or
18 approved instructors in the use of electric guns prior to
19 deployment of the electric guns and related equipment in public.
20 [~~Training for conservation and resources enforcement officers of~~
21 ~~the department of land and natural resources and law enforcement~~



1 ~~officers of the department of public safety may be done~~
2 ~~concurrently to ensure cost savings.]~~

3 (f) No later than June 30, ~~[2018-]~~ 2020, the ~~[conservation~~
4 ~~and resources enforcement program of the department of land and~~
5 ~~natural resources]~~ department of the attorney general shall meet
6 the law enforcement accreditation or recognition standards of
7 the Commission on Accreditation for Law Enforcement Agencies,
8 Inc., in the use of electric guns."

9 SECTION 8. Section 199-1, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§199-1 ~~[Board]~~ Attorney general; board of land and
12 natural resources~~[,]~~; powers and duties. The ~~[board of land and~~
13 ~~natural resources]~~ attorney general shall establish within the
14 department of ~~[land and natural resources]~~ the attorney general
15 enforcement division a conservation and resources enforcement
16 program relating to the enforcement of title 12, chapters 6D,
17 6E, and 6K, and rules adopted thereunder, and shall employ or
18 appoint, and remove, the following persons, subject to chapter
19 76 and section 78-1, who shall be provided with suitable badges
20 or insignia of office by the department of ~~[land and natural~~
21 ~~resources:]~~ the attorney general:



- (1) An enforcement chief of the department of [~~land and natural resources,~~] the attorney general enforcement division, who shall be the head of the conservation and resources enforcement program and shall have charge, direction, and control, subject to the direction and control of the board[~~7~~] of land and natural resources, of all matters relating to the enforcement of title 12, chapters 6D, 6E, and 6K, and rules adopted thereunder and [~~such~~] other matters as the board of land and natural resources may from time to time direct. The enforcement chief shall be an administrator experienced in conservation and resources law enforcement and management; and
- (2) Personnel and enforcement officers of the conservation and resources enforcement program, including but not limited to enforcement officers on a voluntary basis and without pay."

SECTION 9. Section 199-1.5, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:



1 "(e) As used in this section, "department" means the
2 department of [~~land and natural resources.~~] the attorney
3 general."

4 SECTION 10. Section 199-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§199-2 [~~Board of land and natural resources,~~] Attorney
7 general; delegation of authority. The [~~board of land and~~
8 ~~natural resources~~] attorney general may delegate to enforcement
9 officers within the conservation and resources enforcement
10 program, [~~such~~] any authority as may be required for enforcement
11 of title 12, chapters 6D, 6E, and 6K, and rules adopted
12 thereunder."

13 SECTION 11. Section 199-4, Hawaii Revised Statutes, is
14 amended by amending the title and subsection (a) to read as
15 follows:

16 "§199-4 [~~Board of land and natural resources,~~] Attorney
17 general; police powers. (a) The [~~board of land and natural~~
18 ~~resources~~] attorney general shall have police powers and may
19 appoint and commission enforcement officers within the
20 conservation and resources enforcement program. Persons
21 appointed and commissioned under this section shall have and may



1 exercise all of the powers and authority of a police officer,
2 including the power of arrest, and in addition to enforcing
3 title 12, chapters 6D, 6E, and 6K, and rules adopted thereunder,
4 may enforce all other state laws and rules, and county
5 ordinances within all lands and waters of the State; provided
6 that [~~such~~] these powers shall remain in force and effect only
7 while in actual performance of their duties, which shall include
8 off-duty employment when [~~such~~] the employment is for other
9 state departments or agencies. These enforcement officers shall
10 consist of personnel whose primary duty will be the enforcement
11 of title 12, chapters 6D, 6E, and 6K, and the rules adopted
12 thereunder within the areas under the jurisdiction of the
13 department of land and natural resources."

14 SECTION 12. Section 199-6, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§199-6 Failure to obey a summons. Any person who fails
17 to appear at the place and within the time specified in the
18 summons or citation issued by the officers or their agents or
19 subordinates, upon that person's arrest for violation of title
20 12, chapters 6D, 6E, and 6K, and rules adopted thereunder, shall
21 be guilty of a petty misdemeanor and, upon conviction, shall be



1 fined not more than \$500 or be imprisoned not more than thirty
2 days, or both.

3 If any person fails to comply with a summons or citation
4 issued, or if any person fails or refuses to deposit bail as
5 required and within the time permitted, the officers shall cause
6 a complaint to be entered against the person and secure the
7 issuance of a warrant for the person's arrest.

8 When a complaint is made to any prosecuting officer of the
9 violation of title 12, chapters 6D, 6E, and 6K, and rules
10 adopted thereunder, the officer who issued the summons or
11 citation shall subscribe to it under oath administered by
12 another official or officials of the department of [~~land and~~
13 ~~natural resources~~] the attorney general whose names have been
14 submitted to the prosecuting officer and who have been
15 designated by the [~~chairperson of the board of land and natural~~
16 ~~resources~~] attorney general to administer the same."

17 SECTION 13. Section 199-7, Hawaii Revised Statutes, is
18 amended as follows:

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

20 "(a) Any police officer or agent of the department of
21 [~~land and natural resources~~] the attorney general upon whom the



1 ~~[board of land and natural resources]~~ attorney general has
2 conferred powers of police officers, shall have the authority to
3 conduct searches on probable cause as provided by law and to
4 seize any equipment, article, instrument, aircraft, vehicle,
5 vessel, business records, or natural resource used or taken in
6 violation of the provisions contained in chapters 6D, 6E, and
7 6K, or title 12, or any rules adopted thereunder. For purposes
8 of this section, "natural resource" includes any archaeological
9 artifacts, minerals, any aquatic life or wildlife or parts
10 thereof, including their eggs, and any land plants or parts
11 thereof, including seeds."

12 2. By amending subsections (c) and (d) to read:

13 "(c) The department of ~~[land and natural resources]~~ the
14 attorney general shall compile a list of all equipment,
15 articles, instruments, aircraft, vehicles, vessels, or any
16 natural resource forfeited as provided in this section and shall
17 publish the list in its annual report.

18 (d) Notwithstanding any other law to the contrary, the
19 department of ~~[land and natural resources]~~ the attorney general
20 may sell or take actions to cause the sale of any perishable
21 natural resource that is seized to prevent the waste of the



1 natural resource and to ensure the economic value of [~~such~~] the
2 natural resource; provided that the department may not sell or
3 cause the sale of any threatened or endangered species or any
4 other species whose sale is prohibited by law. The department
5 of [~~land and natural resources~~] the attorney general may require
6 the person or persons who took the natural resources to sell the
7 seized natural resources at fair market value. The department
8 of [~~land and natural resources~~] the attorney general may require
9 any person purchasing any seized natural resource to deliver the
10 proceeds of the sale to the department of [~~land and natural~~
11 ~~resources~~] the attorney general or its authorized
12 representative. Any person who refuses to sell the seized
13 natural resources at fair market value or any person who fails
14 to deliver the proceeds of the sale, as directed by the
15 department of [~~land and natural resources,~~] the attorney
16 general, shall be in violation of this subsection and punishable
17 as provided by law. The department of [~~land and natural~~
18 ~~resources~~] the attorney general shall deposit and keep the
19 proceeds of the sale in an interest bearing account until such
20 time as the suspected violation is settled between the person or
21 persons who took the natural resource, consignee or consignees,



1 if any, and the department of [~~land and natural resources~~] the
2 attorney general. Should a settlement not be reached, the
3 department of [~~land and natural resources~~] the attorney general
4 shall submit the proceeds of the sale to the environmental
5 court. The proceeds of the sale, after deducting any reasonable
6 costs of the sale incurred by the department of [~~land and~~
7 ~~natural resources~~], the attorney general, shall be subject to
8 any administrative or judicial proceedings in the same manner as
9 the seized natural resource would have been, including an action
10 in rem for the forfeiture of the proceeds. Seizure and sale of
11 a natural resource is without prejudice to any other remedy or
12 sanction authorized by law."

13 SECTION 14. Section 200-27, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[~~+~~]§200-27[~~+~~] **Police reports.** For the purpose of
16 enforcement, it shall be incumbent upon the [~~director of public~~
17 ~~safety~~] attorney general and the police chief of each county to
18 transmit to the department a copy of every investigation report
19 submitted by the [~~director of public safety~~] attorney general
20 and the police chief's subordinate officers which relate to
21 boating accidents or the theft, loss, or recovery of vessels



1 required to be registered and numbered pursuant to section 200-
2 31."

3 SECTION 15. Section 266-24, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§266-24 Enforcement. (a) The ~~[director of~~
6 ~~transportation]~~ attorney general shall enforce this chapter and
7 all rules thereunder, except for the rules relative to the
8 control and management of the beaches encumbered with easements
9 in favor of the public and ocean waters which shall be enforced
10 by the department of land and natural resources. For the
11 purpose of the enforcement of this chapter and of all rules
12 adopted pursuant to this chapter, the powers of police officers
13 are conferred upon the ~~[director of transportation]~~ attorney
14 general and any officer, employee, or representative of the
15 department of ~~[transportation.]~~ the attorney general. Without
16 limiting the generality of the foregoing, the ~~[director]~~
17 attorney general and any person in the department of the
18 attorney general who is appointed by the ~~[director]~~ attorney
19 general hereunder may serve and execute warrants, arrest
20 offenders, and serve notices and orders. The ~~[director of~~
21 ~~transportation]~~ attorney general and any employee, agent, or



1 representative of the department of [~~transportation~~] the
2 attorney general appointed as enforcement officers by the
3 [~~director,~~] attorney general, and every state and county officer
4 charged with the enforcement of any law, statute, rule,
5 regulation, ordinance, or order, shall enforce and assist in the
6 enforcement of this chapter and of all rules and orders issued
7 pursuant thereto, and in carrying out the responsibilities
8 hereunder, each shall be specifically authorized to:

- 9 (1) Conduct any enforcement action hereunder in any
10 commercial harbor area and any area over which the
11 department of transportation and the director of
12 transportation has jurisdiction under this chapter;
13 (2) Inspect and examine at reasonable hours any premises,
14 and the buildings and other structures thereon, where
15 harbors or harbor facilities are situated, or where
16 harbor-related activities are operated or conducted;
17 and
18 (3) Subject to limitations as may be imposed by the
19 director of transportation, serve and execute
20 warrants, arrest offenders, and serve notices and
21 orders.



1 For purposes of this subsection, the term "agents and
2 representatives" includes persons performing services at harbors
3 or harbor areas under contract with the department of
4 ~~[transportation.]~~ the attorney general.

5 (b) The department of ~~[transportation,]~~ the attorney
6 general, in the name of the State, may enforce this chapter and
7 the rules and orders issued pursuant thereto by injunction or
8 other legal process in the courts of the State."

9 SECTION 16. Section 291-31.5, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) No person shall knowingly operate, affix or cause to
12 be affixed, display, or possess any lamp, reflector, or
13 illumination device that appears to be the color blue, or colors
14 blue and red, upon any motor vehicle, motorcycle, motor scooter,
15 bicycle, or moped except for:

16 (1) County law enforcement vehicles authorized and
17 approved by the chief of police of the county in which
18 the vehicle is operated; or

19 ~~[-(2) Department of public safety law enforcement vehicles~~
20 ~~with blue and red lamps, reflectors, or illumination~~



1 ~~devices authorized and approved by the director of~~
2 ~~public safety,~~

3 ~~(3) Department of land and natural resources division of~~
4 ~~conservation and resources enforcement vehicles with~~
5 ~~blue and red lamps, reflectors, or illumination~~
6 ~~devices authorized and approved by the chairperson of~~
7 ~~the board of land and natural resources, or~~

8 ~~(4)]~~ (2) Department of ~~[transportation division of harbors~~
9 ~~law enforcement]~~ the attorney general vehicles with
10 blue and red lamps, reflectors, or illumination
11 devices authorized and approved by the ~~[director of~~
12 ~~transportation.]~~ attorney general.

13 This prohibition shall not apply to factory-installed instrument
14 illumination."

15 SECTION 17. Section 291C-1, Hawaii Revised Statutes, is
16 amended by amending the definition of "authorized emergency
17 vehicle" to read as follows:

18 "Authorized emergency vehicle" includes fire department
19 vehicles, police vehicles, ambulances, ocean safety vehicles,
20 ~~[public safety law enforcement vehicles, conservation and~~
21 ~~resources enforcement vehicles, and department of transportation~~



1 ~~division of harbors]~~ and department of the attorney general law
2 enforcement vehicles authorized and approved pursuant to section
3 291-31.5 that are publicly owned and other publicly or privately
4 owned vehicles designated as such by a county council."

5 SECTION 18. Section 321-193.5, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The department of [~~public safety,~~] the attorney
8 general, Hawaii paroling authority, judiciary, department of
9 health, department of human services, and any other agencies
10 assigned oversight responsibilities for offender substance abuse
11 treatment by law or administrative order, shall establish a
12 coordinating body through an interagency cooperative agreement
13 to oversee the development and implementation of offender
14 substance abuse treatment programs in the State to ensure
15 compliance with the intent of the master plan developed under
16 chapter 353G. The coordinating body shall also include a
17 representative from a community based prisoner advocacy group
18 and a substance abuse treatment provider selected by the
19 director of health, and an ex-offender selected by the [~~director~~
20 ~~of public safety]~~ attorney general subject to the approval of
21 the chairperson of the Hawaii paroling authority and the chief



1 justice. The coordinating body shall meet not less than
2 quarterly in a meeting subject to chapter 92. The interagency
3 cooperative agreement shall set forth the role of the
4 coordinating body and the responsibilities of each agency that
5 is a party to the agreement."

6 SECTION 19. Section 329-1, Hawaii Revised Statutes, is
7 amended by amending the definitions of "administrator",
8 "department", "designated state agency", and "immediate
9 precursor" to read as follows:

10 "Administrator" means the administrator of the ~~[narcotics~~
11 ~~enforcement division of the department of public safety.]~~ the
12 enforcement division of the department of the attorney general.

13 "Department" means the department of ~~[public safety.]~~ the
14 attorney general.

15 "Designated state agency" means the ~~[narcotics enforcement~~
16 ~~division, department of public safety.]~~ enforcement division of
17 the department of the attorney general.

18 "Immediate precursor" means a substance which the
19 department of ~~[public safety]~~ the attorney general has found to
20 be and by rule designates as being the principal compound
21 commonly used or produced primarily for use, and which is an



1 immediate chemical intermediary used or likely to be used in the
2 manufacture of a controlled substance, the control of which is
3 necessary to prevent, curtail, or limit manufacture."

4 SECTION 20. Section 329-51, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§329-51 Powers of enforcement personnel. Any officer or
7 employee of the department of [~~public safety~~] the attorney
8 general designated by the [~~director of public safety~~] attorney
9 general may:

- 10 (1) Carry firearms in the performance of the officer's or
11 employee's official duties;
- 12 (2) Execute and serve search warrants, arrest warrants,
13 administrative inspection warrants, subpoenas, and
14 summonses issued under the authority of this State;
- 15 (3) Make arrests without warrant for any offense under
16 this chapter and under part IV of chapter 712
17 committed in the officer's or employee's presence, or
18 if the officer or employee has probable cause to
19 believe that the person to be arrested has committed
20 or is committing a violation of this chapter or part
21 IV of chapter 712 which may constitute a felony;



1 (4) Make seizures of property pursuant to this chapter; or

2 (5) Perform other law enforcement duties as the [director
3 of ~~public safety~~] attorney general designates."

4 SECTION 21. Section 329-54, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§329-54 Cooperative arrangements and confidentiality.

7 (a) The department of [~~public safety~~] the attorney general
8 shall cooperate with federal and other state agencies in
9 discharging its responsibilities concerning traffic in
10 controlled substances and in suppressing the abuse of controlled
11 substances. To this end, it may:

12 (1) Arrange for the exchange of information among
13 governmental officials concerning the use and abuse of
14 controlled substances;

15 (2) Coordinate and cooperate in training programs
16 concerning controlled substance law enforcement at
17 local and state levels;

18 (3) Cooperate with the Bureau by establishing a
19 centralized unit to accept, catalogue, file, and
20 collect statistics, including records of drug
21 dependent persons and other controlled substance law



1 offenders within the State, and make the information
2 available for federal, state, and local law
3 enforcement purposes. It shall not furnish the name
4 or identity of a patient or research subject whose
5 identity could not be obtained under subsection (c);
6 and

7 (4) Conduct programs of eradication aimed at destroying
8 wild or illicit growth of plant species from which
9 controlled substances may be extracted.

10 (b) Results, information, and evidence received from the
11 Bureau relating to the regulatory functions of this chapter,
12 including results of inspections conducted by it may be relied
13 and acted upon by the department of ~~[public safety]~~ the attorney
14 general in the exercise of its regulatory functions under this
15 chapter.

16 (c) A practitioner engaged in medical research is not
17 required or compelled to furnish the name or identity of a
18 research subject to the department of ~~[public safety,]~~ the
19 attorney general, nor may the practitioner be compelled in any
20 state or local civil, criminal, administrative, legislative, or
21 other proceedings to furnish the name or identity of any



1 research subject that the practitioner is obligated to keep
2 confidential unless the subject violates section 329-41 or 329-
3 46 or commits an offense pursuant to part IV of chapter 712."

4 SECTION 22. Section 329-58, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§329-58 Education and research. (a) The department of
7 ~~[public safety]~~ the attorney general shall carry out educational
8 programs designed to prevent and determine misuse and abuse of
9 controlled substances. In connection with these programs it
10 may:

11 (1) Promote better recognition of the problems of misuse
12 and abuse of controlled substances within the
13 regulated industry and among interested groups and
14 organizations;

15 (2) Assist the regulated industry and interested groups
16 and organizations in contributing to the reduction of
17 misuse and abuse of controlled substances;

18 (3) Consult with interested groups and organizations to
19 aid them in solving administrative and organizational
20 problems;



1 (4) Evaluate procedures, projects, techniques, and
2 controls conducted or proposed as part of educational
3 programs on misuse and abuse of controlled substances;

4 (5) Disseminate the result of research on misuse and abuse
5 of controlled substances to promote a better public
6 understanding of what problems exist and what can be
7 done to combat them; and

8 (6) Assist in the education and training of state and
9 local law enforcement officials in their efforts to
10 control misuse and abuse of controlled substances.

11 (b) The department of [~~public safety~~] the attorney general
12 may authorize persons engaged in research on the use and effects
13 of controlled substances to withhold the names and other
14 identifying characteristics of individuals who are the subjects
15 of the research. Persons who obtain this authorization are not
16 compelled in any civil, criminal, administrative, legislative,
17 or other proceeding to identify the individuals who are subjects
18 of research for which the authorization was obtained.

19 (c) The department of [~~public safety~~] the attorney general
20 may authorize the possession and distribution of controlled
21 substances by persons engaged in research. Persons who obtain



1 this authorization are exempt from state prosecution for
2 possession and distribution of controlled substances to the
3 extent of the authorization."

4 SECTION 23. Section 329-59, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

6 "(a) There is established within the state treasury the
7 controlled substance registration revolving fund. The fund
8 shall be expended at the discretion of the ~~[director of public~~
9 ~~safety]~~ attorney general for the purpose of:

10 (1) Offsetting the cost of the electronic prescription
11 accountability system, investigation of violations of
12 this chapter, the registration and control of the
13 manufacture, distribution, prescription, and
14 dispensation of controlled substances and regulated
15 chemicals listed under section 329-61, within the
16 State;

17 (2) Funding positions authorized by the legislature by
18 law; and

19 (3) Funding the ~~[narcotics enforcement division's]~~
20 forensic drug laboratory facility~~[-]~~ of the



1 enforcement division of the department of the attorney
2 general."

3 SECTION 24. Section 329-64, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Notwithstanding the exceptions created by subsection
6 (a) of this section, any manufacturer, wholesaler, retailer, or
7 other person who sells, transfers, or otherwise distributes in
8 this State any list 1 or list 2 chemical, as defined in section
9 329-61, and who is required to register with the federal Drug
10 Enforcement Administration as a list I chemical distributor
11 under federal law (or who registers as a controlled substance
12 distributor in lieu thereof), shall submit a copy of that
13 registration application to the department of [~~public safety.~~]
14 the attorney general. When such application is granted, the
15 distributor shall file a copy of the federal Drug Enforcement
16 Administration List I Chemical Registration (or Controlled
17 Substance Registration) with the department. The distributor
18 shall also file with the department a duplicate copy of any
19 reports required under federal law at the same time as [~~such~~]
20 the reports are filed with the federal Drug Enforcement
21 Administration for any transactions involving list I chemicals



1 that shall be shipped into or otherwise transferred or
2 distributed in this State."

3 SECTION 25. Section 329-69, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§329-69 Subpoena powers. Subject to the privileges which
6 witnesses have in the courts of this State, the ~~[director of~~
7 ~~public safety or the director's]~~ attorney general or the
8 attorney general's designated subordinate is empowered pursuant
9 to and in accordance with the rules of court to subpoena
10 witnesses, examine them under oath and require the production of
11 books, papers, documents, or objects where the ~~[director of~~
12 ~~public safety]~~ attorney general reasonably believes the
13 information sought is relevant or material to enforcement of
14 this chapter. Books, papers, documents, or objects obtained
15 pursuant to the exercise of these powers may be retained by the
16 ~~[director of public safety or the director's]~~ attorney general
17 or the attorney general's designate for forty-eight hours for
18 the purpose of examination, audit, copying, testing, or
19 photographing. Upon application by the ~~[director of public~~
20 ~~safety,~~ attorney general, obedience to the subpoenas may be
21 enforced by the circuit court in the county where the person



1 subpoenaed resides or is found in the same manner as a subpoena
2 issued by the clerk of a circuit court."

3 SECTION 26. Section 329-71, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Any manufacturer, wholesaler, retailer, or other
6 person in this State who sells to any person in this State or
7 any other state any quantity of sodium cyanide, potassium
8 cyanide, cyclohexanone, bromobenzene, magnesium turnings,
9 mercuric chloride, sodium metal, lead acetate, palladium black,
10 red phosphorus, white phosphorus (other names yellow
11 phosphorus), iodine, hydrogen chloride gas,
12 trichlorofluoromethane (fluorotrichloromethane),
13 dichlorodifluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane
14 (trichlorotrifluoroethane), sodium acetate, or acetic anhydride,
15 notwithstanding any other provision of law, shall do the
16 following:

17 (1) Require proper purchaser identification for in-state
18 sales that shall include a valid motor vehicle
19 operator's license or other official and valid state-
20 issued identification of the purchaser that contains a
21 photograph of the purchaser, and includes the



1 residential or mailing address of the purchaser, other
2 than a post office box number, the motor vehicle
3 license number of the motor vehicle used by the
4 purchaser at the time of purchase, a description of
5 how the substance is to be used, the Environmental
6 Protection Agency certification number or general
7 excise tax license number assigned to the individual
8 or business entity for which the individual is
9 purchasing any chlorofluorocarbon product, and the
10 signature of the purchaser. Proper purchaser
11 identification for out-of-state sales shall include
12 all of the above information, except the motor vehicle
13 license number and the signature of the purchaser.
14 The out-of-state sale information shall also include
15 the means by which the purchase was delivered or
16 provided to the purchaser and the delivery address, if
17 different from the identification address provided by
18 the purchaser;

- 19 (2) Prepare a bill of sale that both describes with
20 particularity the specific items and quantities sold
21 and sets forth the proper purchaser identification



1 information and affix to the bill of sale the
2 preparer's signature as witness to the sale and
3 identification of the purchaser;

- 4 (3) Retain the original bill of sale containing the
5 purchaser identification information for at least
6 three years in a readily producible manner, and
7 produce the bill of sale containing the sale
8 information and purchaser identification information
9 upon demand by any law enforcement officer or
10 authorized representative of the department; and
11 (4) Submit a report to the department of [~~public safety~~]
12 the attorney general of all sales covered by this
13 section."

14 SECTION 27. Section 329-75, Hawaii Revised Statutes, is
15 amended by amending subsection (e) to read as follows:

16 "(e) The National Association of Drug Diversion
17 Investigators shall forward Hawaii transaction records in the
18 National Precursor Log Exchange to the [~~narcotics~~] enforcement
19 division of the department of [~~public safety~~] the attorney
20 general weekly and provide real-time access to National
21 Precursor Log Exchange information through the National



1 Precursor Log Exchange online portal to law enforcement in the
2 State as authorized by the [~~narcotics~~] enforcement division;
3 provided that the [~~narcotics~~] enforcement division executes a
4 memorandum of understanding with the National Association of
5 Drug Diversion Investigators governing access to the
6 information; provided further that the department of [~~public~~
7 ~~safety-narcotics~~] the attorney general enforcement division
8 shall establish the electronic tracking system in conjunction
9 with the State's existing narcotics tracking system beginning no
10 later than January 1, 2015."

11 SECTION 28. Section 334D-5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§334D-5 Records. All records of a nurse participating in
14 a diversion program that are not required by law to be reported
15 to the board or the regulated industries complaints office and
16 do not involve disciplinary action by those entities shall be
17 privileged and shall not be subject to discovery or subpoena by
18 any person or entity other than a law enforcement agency
19 investigating the conduct of the nurse, the board, or the
20 regulated industries complaints office.

21 For purposes of this section:



1 "Law enforcement agency" means any county police
2 department, the department of ~~[public safety,]~~ the attorney
3 general, and any federal, state, or county public body that
4 employs law enforcement officers.

5 "Law enforcement officer" means any public servant, whether
6 employed by the United States, State, or county, vested by law
7 with a duty to maintain public order or, to make arrests for
8 offenses or to enforce the criminal laws, whether that duty
9 extends to all offenses or is limited to a specific class of
10 offenses."

11 SECTION 29. Section 353C-2, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "[+] (a) [+]" The director of public safety shall administer
14 the public safety programs of the department of public safety
15 and shall be responsible for the formulation and implementation
16 of state goals and objectives for correctional ~~[and law~~
17 ~~enforcement]~~ programs, including ensuring that correctional
18 facilities and correctional services meet the present and future
19 needs of persons committed to the correctional facilities. In
20 the administration of these programs, the director may:



1 (1) Preserve the public peace[, ~~prevent crime, detect and~~
2 ~~arrest offenders against the law,~~] and protect the
3 rights of persons and property[, ~~and enforce and~~
4 ~~prevent violation of all laws and administrative rules~~
5 ~~of the State~~] as the director deems to be necessary or
6 desirable or upon request, to assist other state
7 officers or agencies that have primary administrative
8 responsibility over specific subject matters or
9 programs[+], such as the prevention of crime, the
10 detection and arrest of offenders against the law, and
11 the enforcement and prevention of violations of all
12 laws and administrative rules of the State;

13 (2) Train, equip, maintain, and supervise the force of
14 public safety officers, including [~~law enforcement~~
15 ~~and~~] correctional personnel, and other employees of
16 the department;

17 [~~(3)~~] ~~Serve process both in civil and criminal proceedings;~~

18 ~~(4)~~] (3) Perform other duties as may be required by law;

19 [~~(5)~~] (4) Adopt, pursuant to chapter 91, rules that are
20 necessary or desirable for the administration of
21 public safety programs; and



1 ~~[(+6)]~~ (5) Enter into contracts ~~[in]~~ on behalf of the
2 department and take all actions deemed necessary and
3 appropriate for the proper and efficient
4 administration of the department."

5 SECTION 30. Section 353C-3, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~[(+)]~~ §353C-3 ~~[(+)]~~ Deputy directors; appointment. The
8 director shall appoint, without regard to chapter 76, ~~[three]~~
9 two deputy directors to serve at the director's pleasure.

10 Unless otherwise assigned by the director, one deputy director
11 shall oversee the correctional programs and facilities of the
12 department ~~[, one deputy director shall oversee the law~~
13 ~~enforcement programs of the department,~~] and one deputy director
14 shall oversee administration of the department."

15 SECTION 31. Section 353C-4, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§353C-4 Appointment of employees ~~[with police powers and~~
18 ~~other employees. (a)]~~. The director may appoint employees ~~[to~~
19 ~~be public safety officers who shall have all of the powers of~~
20 ~~police officers; provided that the director may establish and~~
21 ~~assign the employees to positions or categories of positions~~



1 ~~that may have differing titles, specific duties, and limitations~~
2 ~~upon the exercise of police powers.~~

3 ~~(b) The director may appoint other personnel]~~ necessary to
4 carry out the functions of the department.

5 ~~[(c) The state law enforcement officers transferred from~~
6 ~~the department of the attorney general by Act 211, Session Laws~~
7 ~~of Hawaii 1989, shall be responsible for public safety in state~~
8 ~~buildings as well as the personal protection of government~~
9 ~~officials and employees while in the conduct of their duties.~~
10 ~~The duties of state law enforcement officers shall also include~~
11 ~~the service of process, including subpoenas, warrants, and other~~
12 ~~legal documents, and other duties as the director may assign,~~
13 ~~including the performance of duties of other public safety~~
14 ~~officers within the department. State law enforcement officers~~
15 ~~shall have all of the powers of police officers, including the~~
16 ~~power of arrest.] "~~

17 SECTION 32. Section 386-181, Hawaii Revised Statutes, is
18 amended by amending subsections (a) and (b) to read as follows:

19 "(a) As used in this section:

20 "Police chaplain" means a member of an authorized
21 chaplaincy program of a county police department who performs



1 services in a voluntary and unpaid capacity under the authorized
2 direction of an officer of the department.

3 "Public board" means a governmental body, regardless of its
4 designation, duly created under authority vested by law for the
5 purposes of performing quasi-judicial, administrative, or
6 advisory functions.

7 "Reserve police officer" means a member of an authorized
8 reserve force of a county police department who performs
9 services in a voluntary and unpaid capacity under the authorized
10 direction of an officer of the department.

11 "Sheriffs' chaplain" means a member of an authorized
12 chaplaincy program of the department of ~~[public safety]~~ the
13 attorney general who performs functions similar to a police
14 chaplain in a voluntary and unpaid capacity for the ~~[sheriff~~
15 ~~division.]~~ department.

16 "Volunteer boating enforcement officer" means a member of
17 the authorized volunteer enforcement force of the ~~[harbors~~
18 ~~division, department of transportation,]~~ department of the
19 attorney general who performs services in a voluntary and unpaid
20 capacity under the authorized direction of an officer of the
21 department.



1 "Volunteer conservation and resources enforcement officer"
2 means a member of the authorized volunteer enforcement force of
3 the ~~[division of conservation and resources enforcement,~~
4 ~~department of land and natural resources,]~~ department of the
5 attorney general who performs services in a voluntary and unpaid
6 capacity under the authorized direction of an officer of the
7 department.

8 "Volunteer firefighter" means a person who performs
9 services for a county fire department in a voluntary and unpaid
10 capacity under the authorized direction of an officer of the
11 department.

12 (b) If a member of a public board, a reserve police
13 officer, a police chaplain, sheriffs' chaplain, a volunteer
14 firefighter, a volunteer boating enforcement officer, or a
15 volunteer ~~[conservation and resources]~~ enforcement officer is
16 injured while performing services for the board, county police
17 department, county fire department, or department of ~~[public~~
18 ~~safety, harbors division of the department of transportation, or~~
19 ~~division of conservation and resources enforcement of the~~
20 ~~department of land and natural resources,]~~ the attorney general,
21 under the conditions specified in section 386-3, the person or



1 the person's dependents shall be entitled to all compensation in
2 the manner provided by this chapter and, for the purposes of
3 this chapter, the person shall, in every case, be deemed to have
4 earned wages for the services."

5 SECTION 33. Section 501-154, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "§501-154 Writ of possession, service, time limit for
8 registration. When in any action in the nature of an action of
9 ejectment an execution or writ of possession has been issued and
10 served by the sheriff, deputy sheriff, police officer, or
11 independent civil process server from the department of [public
12 safety's] the attorney general's list under section [353C-10,
13 28-E, the sheriff, deputy sheriff, police officer, or
14 independent civil process server shall cause a copy of the writ,
15 with a return of the doings of the sheriff, deputy sheriff,
16 police officer, or independent civil process server thereon, to
17 be filed and registered within three months after the service
18 and before the return of the writ into the clerk's office. The
19 plaintiff, in case the judgment was that the plaintiff was
20 entitled to an estate in fee simple in the demanded premises, or
21 in any part thereof, and for which execution or writ of



1 possession issued, is thereupon entitled to the entry of a new
2 certificate of title."

3 SECTION 34. Section 587A-4, Hawaii Revised Statutes, is
4 amended by amending the definition of "police officer" to read
5 as follows:

6 "Police officer" means a person employed by any county in
7 the State of Hawaii to enforce the laws and ordinances for
8 preserving the peace and maintaining safety and order in the
9 community, or an employee authorized by the ~~[director of public~~
10 ~~safety]~~ attorney general under section 329-51 or 353C-4 to
11 exercise the powers set forth in this chapter."

12 SECTION 35. Section 603-29, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "§603-29 Order to show cause. Whenever a complaint has
15 been filed in circuit court alleging leased or rented personal
16 property the value of which is \$5,000 or more, has been retained
17 by the defendant fourteen days after the termination of the
18 lease or rental contract, either by passage of time or by reason
19 of any default under the terms and conditions of the lease or
20 rental contract, the plaintiff may petition the court for an
21 order to show cause.



1 Upon the filing of the petition with a copy of the lease or
2 rental contract and an affidavit sworn to by the plaintiff or
3 some competent affiant setting forth a statement of facts
4 sufficient to show the termination of the lease or rental
5 contract, the court may issue an order directing the defendant
6 to either return the leased or rented personal property to the
7 plaintiff or to appear and show cause for the possession at such
8 time as the court shall direct but not later than ten days from
9 the date of service of the order to show cause. The order to
10 show cause shall also provide that if the leased or rented
11 personal property is not returned to the plaintiff prior to the
12 hearing, the defendant shall, if reasonably feasible, produce
13 the property at the hearing. If, at the hearing, it is proved
14 to the satisfaction of the court that the plaintiff is entitled
15 to possession of the leased or rented personal property, it
16 shall issue an order directed to the sheriff, deputy sheriff,
17 police officer, or independent civil process server from the
18 department of ~~[public safety's]~~ the attorney general's list
19 under section ~~[353C-10]~~ 28-E commanding the sheriff, deputy
20 sheriff, police officer, or independent civil process server to
21 seize the personal property therein described and to deliver the



1 same to the plaintiff or the plaintiff's agent. Service of the
2 order to show cause shall be as provided by law or rule of court
3 for cases in the circuit courts, or by registered mail or by
4 certified mail with return receipt showing delivery within the
5 circuit."

6 SECTION 36. Section 604-6.2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§604-6.2 Order to show cause. Upon the filing of a
9 complaint with a copy of a lease or rental contract and an
10 affidavit sworn to by the plaintiff or some competent affiant
11 setting forth a statement of facts sufficient to show that the
12 leased or rented personal property has been in the defendant's
13 possession at least fourteen days after the termination of the
14 lease or rental contract, either by passage of time or by reason
15 of any default under the terms and conditions of the lease or
16 rental contract, the court may issue an order directing the
17 defendant to either return the leased or rented personal
18 property to the plaintiff or to appear and show cause for the
19 possession at such time as the court shall direct, but not later
20 than ten days from the date of service of the order to show
21 cause. The order to show cause shall also provide that, if the



1 leased or rented personal property is not returned to the
2 plaintiff prior to the hearing, the defendant shall, if
3 reasonably feasible, produce the property at the hearing. If,
4 at the hearing, it is proved to the satisfaction of the court
5 that the plaintiff is entitled to possession of the leased or
6 rented personal property, it shall issue an order directed to
7 the sheriff, deputy sheriff, police officer, or independent
8 civil process server from the department of ~~[public safety's]~~
9 the attorney general's list under section [353C-10] 28-E
10 commanding the sheriff, deputy sheriff, police officer, or
11 independent civil process server to seize the personal property
12 therein described and to deliver the same to the plaintiff or
13 the plaintiff's agent. Service of the order to show cause shall
14 be as provided by law or rule of court for cases in the district
15 courts, or by registered mail or by certified mail with return
16 receipt showing delivery within the State."

17 SECTION 37. Section 607-4, Hawaii Revised Statutes, is
18 amended by amending subsection (d) to read as follows:

19 "(d) Fees of sheriff, deputy sheriff, police officer, or
20 independent civil process server from the department of ~~[public~~



1 ~~safety's~~ the attorney general's list under section [~~353C-10~~]
2 28-E shall be as provided under section 607-8(a)."

3 SECTION 38. Section 607-8, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) For all necessary travel in making the service, per
6 mile for every mile more than one... 60 cents; provided that:

7 (1) No allowance shall be made where the serving
8 individual uses a conveyance furnished the serving
9 individual by the State, or any political or municipal
10 subdivision thereof;

11 (2) Where the serving individual serves more than one
12 person in the course of one trip, the serving
13 individual shall not charge, in the aggregate for all
14 services more than the mileage for the entire trip;
15 and

16 (3) As far as practicable, in order to minimize the
17 mileage fees for the service, the sheriff or chief of
18 police of the serving police officers, or independent
19 civil process server from the department of [~~public~~
20 ~~safety's~~ the attorney general's list under section
21 [~~353C-10~~ 28-E shall cause the process to be



1 transmitted to the sheriff, deputy sheriff, the chief
2 of police, a police officer, or an independent civil
3 process server upon the island of service who shall
4 make the service upon receipt of the process; and the
5 service shall be valid, notwithstanding that the
6 process may not be addressed to the individual
7 actually making the service or to the individual's
8 superior.

9 For serving criminal summons or any other criminal process
10 except a subpoena, for each person served
11 therewith..... \$30 effective July 1, 2001.

12 Service of criminal summons or any other criminal process shall
13 be made only by persons authorized to serve criminal summons.

14 For serving civil summons, subpoena, subpoena duces
15 tecum, or any other civil process, except a garnishee
16 summons, for each person served
17 therewith..... \$43 effective July 1, 2015.

18 For serving[+] garnishee summons, for each
19 person..... \$30 effective July 1, 2015.



1 For returning as unserved after due and diligent search any
2 process when it has been found that the person to be served has
3 left the State \$10 effective July 1, 2015.

4 For serving any execution or other process for the
5 collection of money, for every dollar collected up to
6 \$10,000..... 5 cents.

7 And for every dollar over \$10,000 ... 2-1/2 cents.

8 All fees paid to any printer for publishing an
9 advertisement of the sale of any property.

10 For every bill of sale..... \$4.

11 For executing and acknowledging a deed pursuant to a
12 sale of real estate to be paid by the grantee in the
13 deed..... \$10.

14 For drawing any bond required by law..... \$4.

15 For serving writ of possession or restitution,
16 putting any person entitled into the possession of
17 premises, and removing a tenant pursuant to order of
18 court..... \$40.

19 Together with all necessary expenses incurred by the
20 individual serving the writ, incident to the eviction.



1 For selling any property on an order from the court other
2 than an execution, the same allowance as for service and sales
3 by execution.

4 The fees for service of executions, attachments, and
5 collection of judgments, together with all costs incurred after
6 judgment rendered, not included in the judgment, in all courts
7 of the State, shall be collected in addition to the sum directed
8 to be levied and collected in the writ.

9 In lieu of any fee under this subsection, the fee may be an
10 hourly rate of not less than \$50 per hour agreed upon in advance
11 between the party requesting the service and the sheriff, deputy
12 sheriff, police officer, or independent civil process server
13 performing the service."

14 SECTION 39. Section 633-8, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§633-8 Order to show cause. Upon the filing of a
17 complaint with a copy of a lease or rental contract and an
18 affidavit sworn to by the plaintiff or some competent affiant
19 setting forth a statement of facts sufficient to show that the
20 leased or rented personal property has been in the defendant's
21 possession at least fourteen days after the termination of the



1 lease or rental contract, either by passage of time or by reason
2 of any default under the terms and conditions of the lease or
3 rental contract, the court may issue an order directing the
4 defendant to either return the leased or rented personal
5 property to the plaintiff or to appear and show cause for the
6 possession at such time as the court shall direct, but not later
7 than five days from the date of service of the order to show
8 cause. The order to show cause shall also provide that, if the
9 leased or rented personal property is not returned to the
10 plaintiff prior to the hearing, the defendant shall, if
11 reasonably feasible, produce the property at the hearing. If,
12 at the hearing, it is proved to the satisfaction of the court
13 that the plaintiff is entitled to possession of the leased or
14 rented personal property, it shall issue an order directed to
15 the sheriff, deputy sheriff, police officer, or independent
16 civil process server from the department of ~~[public safety's]~~
17 the attorney general's list under section ~~[353C-10]~~ 28-E
18 commanding the sheriff, deputy sheriff, police officer, or
19 independent civil process server to seize the personal property
20 therein described and to deliver the same to the plaintiff or
21 the plaintiff's agent. Service of the order to show cause shall



1 be as provided by law or rule of court for cases in the district
2 courts, or by registered mail or by certified mail with return
3 receipt showing delivery within the circuit."

4 SECTION 40. Section 634-11, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§634-11 Interpleader; application for order by sheriff,
7 deputy sheriff, police officer, or independent civil process
8 server. When, in the execution of process against goods and
9 chattels issued by or under the authority of the courts of the
10 State, by reason of claims made to such goods and chattels by
11 assignees of bankrupts and other persons not being the parties
12 against whom such process had issued, whereby the sheriff,
13 deputy sheriffs, police officers, or independent civil process
14 servers from the department of ~~[public safety's]~~ the attorney
15 general's list under section ~~[353C-10]~~ 28-E are exposed to the
16 hazard and expense of actions, any such claim shall be made to
17 any goods or chattels taken or intended to be taken in execution
18 under any such process or to the proceeds or value thereof, it
19 shall be lawful for the court, out of which the execution shall
20 have issued, or any judge thereof, upon application of the
21 sheriff, deputy sheriff, police officer, or independent civil



1 process server made before or after the return of such process,
2 and as well before as after any action brought against the
3 sheriff, deputy sheriff, police officer, or independent civil
4 process server to call before it or the judge by rule, order, or
5 summons, as well the party issuing such process as the party
6 making the claim. Thereupon the court or judge shall, for the
7 adjustment of the claims and the relief and protection of the
8 sheriff, deputy sheriff, police officer, or independent civil
9 process server, make such rules, orders, and decisions as shall
10 appear to be just according to the circumstances of the case.
11 The costs of all such proceedings shall be in the discretion of
12 the court or judge."

13 SECTION 41. Section 634-12, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§634-12 Sale of property seized on execution, when. When
16 goods or chattels have been seized in execution by the sheriff,
17 deputy sheriff, a police officer, or an independent civil
18 process server from the department of ~~[public safety's]~~ the
19 attorney general's list under section ~~[353C-10]~~ 28-E under
20 process of any court, and some third person claims to be
21 entitled under a bill of sale, chattel mortgage, or otherwise,



1 to the goods and chattels by way of security for a debt, the
2 court or a judge may order a sale of the whole or part thereof,
3 upon such terms as to the payment of the whole or part of the
4 secured debt or otherwise as it or the judge shall think fit;
5 and may direct the application of the proceeds of sale in such
6 manner and upon such terms as to the court or judge may seem
7 just."

8 SECTION 42. Section 634-22, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§634-22 Return. In all cases where any process or order
11 of a court is served by any officer of the court or of the
12 police force or the sheriff, deputy sheriff, an independent
13 civil process server from the department of ~~[public safety's]~~
14 the attorney general's list under section ~~[353C-10,]~~ 28-E, or
15 any investigator appointed and commissioned by the director of
16 commerce and consumer affairs pursuant to section 26-9(j), a
17 record thereof shall be endorsed upon the back of the process,
18 complaint, order, or citation. The record shall state the name
19 of the person served and the time and place of service and shall
20 be signed by the sheriff, deputy sheriff, police officer,
21 independent civil process server, or investigator making the



1 service. If the sheriff, deputy sheriff, police officer,
2 independent civil process server, or investigator fails to make
3 service, the sheriff, deputy sheriff, police officer,
4 independent civil process server, or investigator in like
5 manner, shall endorse the reason for the sheriff, deputy
6 sheriff, police officer, independent civil process server, or
7 investigator's failure and sign this record. When service is
8 made by a person specially appointed by the court, or an
9 independent civil process server, that person shall make
10 declaration or affidavit of that service.

11 The record, declaration, or affidavit shall be prima facie
12 evidence of all it contains, and no further proof thereof shall
13 be required unless either party desires to examine the sheriff,
14 deputy sheriff, police officer, independent civil process
15 server, or investigator making service, in which case the
16 sheriff, deputy sheriff, police officer, independent civil
17 process server, or investigator shall be notified to appear for
18 examination."

19 SECTION 43. Section 634-29, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§634-29 In case of attachment, etc., of real property.

2 In all cases of attachment, sequestration, or injunction of real
3 property, the sheriff, deputy sheriff, police officer, or
4 independent civil process server from the department of [public
5 safety's] the attorney general's list under section [~~353C-10~~
6 28-E serving the writ shall, in addition to personal delivery of
7 a copy thereof to the defendant, post upon the premises a copy
8 of the process, and a notice of the day and hour when attached,
9 sequestered, or enjoined, and shall also give notice thereof in
10 a newspaper or newspapers suitable for the advertisement of
11 judicial proceedings. But in all cases where a writ of
12 attachment is issued in accordance with chapter 651 relating to
13 attachments, and the defendant in attachment was never a
14 resident of the State or has departed from the State or secretes
15 oneself so that the writ of attachment cannot be personally
16 served upon the defendant, personal service of the writ upon the
17 defendant may be dispensed with. All after-leases, mortgages,
18 sales, devises, assignments, trusts, or other conveyances of the
19 property, until the dissolution of the process, shall be void in
20 law as against the plaintiff in such cases."



SECTION 44. Section 651-1, Hawaii Revised Statutes, is amended to read as follows:

"§651-1 General provisions. (a) This chapter shall apply to circuit and district courts. A judge of any court of record may make any order at chambers which may by the provisions of this chapter be made by the court in term time. When the proceedings are before a district judge, the judge shall be regarded as the clerk of the court for all purposes contemplated herein. The phrase "police officer", as used in this chapter, means the ~~[director of public safety or the director's]~~ attorney general or the attorney general's duly authorized representative, any chief of police or subordinate police officer, or an independent civil process server on the list maintained by the department of ~~[public safety]~~ the attorney general pursuant to section ~~[353C-10.]~~ 28-E. Nothing in this chapter shall be construed to permit a district judge to issue a writ of attachment to be served out of the circuit in which the judge's court is situated, or to permit an attachment of real estate, or any interest therein, under a writ issued by a district court judge.



1 (b) The department of [~~public safety,~~] the attorney
2 general, the State, and the agencies, officers, and employees of
3 the department of [~~public safety~~] the attorney general or the
4 State shall not be responsible or liable for the actions of any
5 independent civil process servers on the list maintained by the
6 department of [~~public safety~~] the attorney general pursuant to
7 section [~~353C-10.~~] 28-E. The maintenance of the list pursuant
8 to section [~~353C-10~~] 28-E shall not create a private cause of
9 action against the department of [~~public safety,~~] the attorney
10 general, the State, or the agencies, officers, and employees of
11 the department of public safety or the State.

12 (c) Nothing in this chapter shall be construed to make an
13 independent civil process server a law enforcement officer,
14 sheriff, or deputy sheriff, or an employee or agent of the
15 department of [~~public safety~~] the attorney general or the
16 State."

17 SECTION 45. Section 652-1.5, Hawaii Revised Statutes, is
18 amended by amending subsection (a) to read as follows:

19 "(a) Except as provided in subsection (e), any creditor
20 desiring to secure a garnishment process before judgment shall



1 attach the creditor's petition for process, summons, and
2 direction to the following documents:

- 3 (1) An application, directed to the court to which such
4 action is made returnable, for garnishee process to
5 issue under section 652-1(a);
- 6 (2) An affidavit sworn to by the creditor or some
7 competent affiant setting forth a statement of facts
8 sufficient to show that probable validity exists to
9 sustain the validity of the creditor's claim;
- 10 (3) An order that a hearing be held before the court or a
11 judge thereof to determine whether or not the
12 garnishee process should be granted and that notice of
13 such hearing be given to the defendant debtor; and
- 14 (4) A summons directed to the sheriff, deputy sheriff, a
15 police officer, or an independent civil process server
16 from the department of ~~[public safety's]~~ the attorney
17 general's list under section ~~[353C-10]~~ 28-E commanding
18 the sheriff, deputy sheriff, police officer, or
19 independent civil process server to serve upon the
20 debtor at least four days prior to the date of the
21 hearing, pursuant to chapter 634, the application, a



1 true and attested copy of the petition, summons, and
2 direction, the affidavit, and the order and notice of
3 hearing."

4 SECTION 46. Section 652-2, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§652-2 Garnishee, rights, duties; collection by sheriff,
7 deputy sheriff, police officer, or independent civil process
8 server. The garnishee shall, when summoned before judgment
9 rendered against the garnishee's principal, if the garnishee
10 desires, be admitted to defend the garnishee's principal in the
11 action.

12 If judgment is rendered in favor of the plaintiff, and
13 likewise in all cases in which the garnishee is summoned after
14 judgment, the garnishee fund, or such part thereof as may be
15 sufficient for that purpose, shall be liable to pay the same.
16 The plaintiff on praying out execution shall be entitled to have
17 included in the execution an order directing the sheriff, deputy
18 sheriff, police officer, or independent civil process server
19 from the department of ~~[public safety's]~~ the attorney general's
20 list under section ~~[353C-10]~~ 28-E serving the same to make
21 demand of the garnishee for the goods and effects of the



1 defendant secured in the garnishee's hands, whose duty it will
2 be to expose the same to be taken on execution, and also to make
3 demand of the garnishee for the debt or wages secured in the
4 garnishee's hands or the moneys held by the garnishee for
5 safekeeping, or such part thereof as may satisfy the judgment.
6 It shall be the duty of the garnishee to pay the same. If the
7 garnishee has in any manner disposed of the goods and effects or
8 does not expose and subject the same to be taken on execution,
9 or if the garnishee does not pay to the sheriff, deputy sheriff,
10 police officer, or independent civil process server when
11 demanded, the debt or wages or moneys held for safekeeping, the
12 garnishee shall be liable to satisfy the judgment out of the
13 garnishee's own estate, as the garnishee's own proper debt, if
14 the goods or effects or debt or wages or moneys held for
15 safekeeping, be of sufficient value or amount and, if not, then
16 to the value of the same; provided that every garnishee, whether
17 summoned before or after judgment, shall be allowed to retain or
18 deduct from the goods, effects, and credits of the defendant in
19 the garnishee's hands at the time of service all demands against
20 the defendant of which the garnishee could have availed the
21 garnishee's self if the garnishee had not been garnished,



1 whether the same are at the time due or not, and whether by
2 setoff on a trial or by setoff of judgments or executions
3 between the garnishee and the defendant, and shall be liable
4 only for the balance after adjustment of all mutual demands
5 between the garnishee and the defendant; provided that in such
6 adjustment no demands for unliquidated damages for wrongs or
7 injuries shall be included, and that the judgment shall show the
8 amount of any setoff.

9 No garnishee shall be liable to anyone for the nonpayment
10 of any sum or for the nondelivery of any goods or effects when
11 the garnishee in good faith believes, or has reason to believe,
12 that garnishment or other process affects the same, though such
13 be not the case, but this paragraph shall not supersede section
14 652-9 where the same are applicable."

15 SECTION 47. Section 652-2.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§652-2.5 Service on garnishee. Service of the copy upon
18 the garnishee may be made in any of the manners here described,
19 namely:

20 (1) If the garnishee lives or has an office in the

21 district in which process is issued, by the sheriff,



1 deputy sheriff, police officer, or independent civil
2 process server from the department of [public
3 ~~safety's~~] the attorney general's list under section
4 ~~[353C-10]~~ 28-E handing a copy to the garnishee in
5 person or leaving it in the garnishee's office in
6 charge of some deputy or clerk or other employees or
7 attache of the office; or

8 (2) If the garnishee lives in a district other than that
9 in which the process was issued, by the sheriff,
10 deputy sheriff, police officer, or independent civil
11 process server handing a copy to the garnishee in
12 person, or by mailing it in a sealed envelope,
13 registered or certified, postage prepaid, return
14 receipt requested, and addressed to the garnishee's
15 last known home or business address."

16 SECTION 48. Section 652-2.6, Hawaii Revised Statutes, is
17 amended by amending subsection (a) to read as follows:

18 "(a) In case of service upon the garnishee, the
19 certificate of service or, if by mail, a copy of the return
20 receipt provided by the sheriff, deputy sheriff, police officer,
21 or independent civil process server from the department of



1 ~~[public safety's]~~ the attorney general's list under section
2 ~~[353C-10]~~ 28-E shall be prima facie proof of the service."

3 SECTION 49. Section 654-2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§654-2 Bond. When the plaintiff desires the immediate
6 delivery of the property, the plaintiff shall execute a bond to
7 the defendant in possession of the property, and to all persons
8 having an interest in the property, of such amount and with such
9 sureties as are approved by the court, conditioned that the
10 plaintiff will prosecute the plaintiff's action to judgment
11 without delay, and deliver the property to the defendant in
12 possession or any other person, if such delivery is adjudged,
13 and pay all costs and damages that may be adjudged against the
14 plaintiff. Upon the filing of the verified complaint or
15 affidavit with the bond and a motion for immediate consideration
16 of the matter, the court shall forthwith inquire into the
17 matter, ex parte or otherwise, as in its discretion it
18 determines. If thereupon the court finds that a prima facie
19 claim for relief has been established, it shall issue an order
20 directed to the sheriff, sheriff's deputy, chief of police, an
21 authorized police officer of any county, or an independent civil



1 process server from the department of [~~public safety's~~] the
2 attorney general's list under section [~~353C-10~~] 28-E to take the
3 property therein described and deliver the same to the
4 plaintiff.

5 Copies of the verified complaint or affidavit, and, if a
6 bond for immediate seizure has been filed, of the bond, and, if
7 an order for the taking has been issued on an ex parte hearing,
8 of the order, shall forthwith be served upon the defendant in
9 possession and each person having or claiming a possessory
10 interest in the property, in the same manner as is provided for
11 service of summons unless the party to be served has appeared in
12 the action, in which case service may be made in the same manner
13 as is provided for service of papers other than the summons. In
14 a proper case, either before or after issuance of an order for
15 the taking, the required service may be combined with the
16 publication of the summons, in which event the giving of notice
17 of the substance of the proceeding shall be sufficient.

18 Upon the application of any party, the proceeding shall be
19 advanced and assigned for hearing at the earliest possible
20 date."



1 SECTION 50. Section 666-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§666-11 Judgment; writ of possession. If it is proved to
4 the satisfaction of the court that the plaintiff is entitled to
5 the possession of the premises, the plaintiff shall have
6 judgment for possession, and for the plaintiff's costs.
7 Execution shall issue accordingly. The writ of possession shall
8 issue to the sheriff, deputy sheriff, police officer, or
9 independent civil process server from the department of [~~public~~
10 ~~safety's~~] the attorney general's list under section [~~353C-10,~~
11 28-E, commanding the sheriff, deputy sheriff, police officer, or
12 independent civil process server to remove all persons from the
13 premises, and to put the plaintiff, or the plaintiff's agent,
14 into the full possession thereof."

15 SECTION 51. Section 666-21, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) If the tenant is unable to comply with the court's
18 order under subsection (a) in paying the required amount of rent
19 to the court, the landlord shall have judgment for possession
20 and execution shall issue accordingly. The writ of possession
21 shall issue to the sheriff, deputy sheriff, police officer, or



1 independent civil process server from the department of [~~public~~
2 ~~safety's~~] the attorney general's list under section [~~353C-10,~~
3 28-E, ordering the sheriff, deputy sheriff, police officer, or
4 independent civil process server to remove all persons and
5 possessions from the premises, and to put the landlord, or the
6 landlord's agent, into full possession of the premises."

7 SECTION 52. Section 844D-38, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "[~~+~~]§844D-38[~~-~~] Collection of replacement specimen found
10 spoiled or unusable. Whenever the department notifies the
11 department of [~~public safety~~] the attorney general or any other
12 law enforcement agency that a biological specimen, sample, or
13 print impression is not usable for any reason, the person who
14 provided the original specimen, sample, or print impression
15 shall submit to collection of additional specimens, samples, or
16 print impressions. The department of [~~public safety~~] the
17 attorney general or other responsible law enforcement agency
18 shall collect additional specimens, samples, or print
19 impressions from these persons as necessary to fulfill the
20 requirements of this chapter, and transmit these specimens,
21 samples, or print impressions to the department."



1 SECTION 53. Section 844D-111, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) A person commits the offense of refusal or failure to
4 provide specimen for forensic identification if the person is
5 required by this chapter to provide any blood specimens, buccal
6 swab samples, or print impressions and intentionally, knowingly,
7 or recklessly, refuses or fails to provide any of the required
8 blood specimens, buccal swab samples, or print impressions after
9 the person has received written notice from the department, the
10 department of [~~public safety,~~] the attorney general, any law
11 enforcement personnel, or officer of the court that the person
12 is required to provide each and every one of the blood
13 specimens, buccal swab samples, and print impressions required
14 by this chapter."

15 SECTION 54. Section 846-2.7, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:

17 "(b) Criminal history record checks may be conducted by:

- 18 (1) The department of health or its designee on operators
19 of adult foster homes for individuals with
20 developmental disabilities or developmental



1 disabilities domiciliary homes and their employees, as
2 provided by section 321-15.2;

3 (2) The department of health or its designee on
4 prospective employees, persons seeking to serve as
5 providers, or subcontractors in positions that place
6 them in direct contact with clients when providing
7 non-witnessed direct mental health or health care
8 services as provided by section 321-171.5;

9 (3) The department of health or its designee on all
10 applicants for licensure or certification for,
11 operators for, prospective employees, adult
12 volunteers, and all adults, except adults in care, at
13 healthcare facilities as defined in section 321-15.2;

14 (4) The department of education on employees, prospective
15 employees, and teacher trainees in any public school
16 in positions that necessitate close proximity to
17 children as provided by section 302A-601.5;

18 (5) The counties on employees and prospective employees
19 who may be in positions that place them in close
20 proximity to children in recreation or child care
21 programs and services;



(6) The county liquor commissions on applicants for liquor licenses as provided by section 281-53.5;

(7) The county liquor commissions on employees and prospective employees involved in liquor administration, law enforcement, and liquor control investigations;

(8) The department of human services on operators and employees of child caring institutions, child placing organizations, and foster boarding homes as provided by section 346-17;

(9) The department of human services on prospective adoptive parents as established under section 346-19.7;

(10) The department of human services or its designee on applicants to operate child care facilities, household members of the applicant, prospective employees of the applicant, and new employees and household members of the provider after registration or licensure as provided by section 346-154, and persons subject to section 346-152.5;



- 1 (11) The department of human services on persons exempt
2 pursuant to section 346-152 to be eligible to provide
3 child care and receive child care subsidies as
4 provided by section 346-152.5;
- 5 (12) The department of health on operators and employees of
6 home and community-based case management agencies and
7 operators and other adults, except for adults in care,
8 residing in community care foster family homes as
9 provided by section 321-15.2;
- 10 (13) The department of human services on staff members of
11 the Hawaii youth correctional facility as provided by
12 section 352-5.5;
- 13 (14) The department of human services on employees,
14 prospective employees, and volunteers of contracted
15 providers and subcontractors in positions that place
16 them in close proximity to youth when providing
17 services on behalf of the office or the Hawaii youth
18 correctional facility as provided by section 352D-4.3;
- 19 (15) The judiciary on employees and applicants at detention
20 and shelter facilities as provided by section 571-34;



- 1 (16) The department of public safety on employees and
2 prospective employees who are directly involved with
3 the treatment and care of persons committed to a
4 correctional facility [~~or who possess police powers~~
5 ~~including the power of arrest~~] as provided by section
6 353C-5;
- 7 (17) The board of private detectives and guards on
8 applicants for private detective or private guard
9 licensure as provided by section 463-9;
- 10 (18) Private schools and designated organizations on
11 employees and prospective employees who may be in
12 positions that necessitate close proximity to
13 children; provided that private schools and designated
14 organizations receive only indications of the states
15 from which the national criminal history record
16 information was provided pursuant to section 302C-1;
- 17 (19) The public library system on employees and prospective
18 employees whose positions place them in close
19 proximity to children as provided by section
20 302A-601.5;



1 (20) The State or any of its branches, political
2 subdivisions, or agencies on applicants and employees
3 holding a position that has the same type of contact
4 with children, vulnerable adults, or persons committed
5 to a correctional facility as other public employees
6 who hold positions that are authorized by law to
7 require criminal history record checks as a condition
8 of employment as provided by section 78-2.7;

9 (21) The department of health on licensed adult day care
10 center operators, employees, new employees,
11 subcontracted service providers and their employees,
12 and adult volunteers as provided by section 321-15.2;

13 (22) The department of human services on purchase of
14 service contracted and subcontracted service providers
15 and their employees serving clients of the adult
16 protective and community services branch, as provided
17 by section 346-97;

18 (23) The department of human services on foster grandparent
19 program, senior companion program, and respite
20 companion program participants as provided by section
21 346-97;



1 (24) The department of human services on contracted and
2 subcontracted service providers and their current and
3 prospective employees that provide home and community-
4 based services under section 1915(c) of the Social
5 Security Act, title 42 United States Code section
6 1396n(c), or under any other applicable section or
7 sections of the Social Security Act for the purposes
8 of providing home and community-based services, as
9 provided by section 346-97;

10 (25) The department of commerce and consumer affairs on
11 proposed directors and executive officers of a bank,
12 savings bank, savings and loan association, trust
13 company, and depository financial services loan
14 company as provided by section 412:3-201;

15 (26) The department of commerce and consumer affairs on
16 proposed directors and executive officers of a
17 nondepository financial services loan company as
18 provided by section 412:3-301;

19 (27) The department of commerce and consumer affairs on the
20 original chartering applicants and proposed executive



1 officers of a credit union as provided by section
2 412:10-103;

3 (28) The department of commerce and consumer affairs on:

4 (A) Each principal of every non-corporate applicant
5 for a money transmitter license;

6 (B) Each person who upon approval of an application
7 by a corporate applicant for a money transmitter
8 license will be a principal of the licensee; and

9 (C) Each person who upon approval of an application
10 requesting approval of a proposed change in
11 control of licensee will be a principal of the
12 licensee,

13 as provided by sections 489D-9 and 489D-15;

14 (29) The department of commerce and consumer affairs on
15 applicants for licensure and persons licensed under
16 title 24;

17 (30) The Hawaii health systems corporation on:

18 (A) Employees;

19 (B) Applicants seeking employment;

20 (C) Current or prospective members of the corporation
21 board or regional system board; or



(D) Current or prospective volunteers, providers, or contractors, in any of the corporation's health facilities as provided by section 323F-5.5;

(31) The department of commerce and consumer affairs on:

(A) An applicant for a mortgage loan originator license, or license renewal; and

(B) Each control person, executive officer, director, general partner, and managing member of an applicant for a mortgage loan originator company license or license renewal,

as provided by chapter 454F;

(32) The state public charter school commission or public charter schools on employees, teacher trainees, prospective employees, and prospective teacher trainees in any public charter school for any position that places them in close proximity to children, as provided in section 302D-33;

(33) The counties on prospective employees who work with children, vulnerable adults, or senior citizens in community-based programs;



- 1 (34) The counties on prospective employees for fire
2 department positions which involve contact with
3 children or vulnerable adults;
- 4 (35) The counties on prospective employees for emergency
5 medical services positions which involve contact with
6 children or vulnerable adults;
- 7 (36) The counties on prospective employees for emergency
8 management positions and community volunteers whose
9 responsibilities involve planning and executing
10 homeland security measures including viewing,
11 handling, and engaging in law enforcement or
12 classified meetings and assisting vulnerable citizens
13 during emergencies or crises;
- 14 (37) The State and counties on employees, prospective
15 employees, volunteers, and contractors whose position
16 responsibilities require unescorted access to secured
17 areas and equipment related to a traffic management
18 center;
- 19 (38) The State and counties on employees and prospective
20 employees whose positions involve the handling or use
21 of firearms for other than law enforcement purposes;



1 (39) The State and counties on current and prospective
2 systems analysts and others involved in an agency's
3 information technology operation whose position
4 responsibilities provide them with access to
5 proprietary, confidential, or sensitive information;

6 (40) The department of commerce and consumer affairs on:

7 (A) Applicants for real estate appraiser licensure or
8 certification as provided by chapter 466K;

9 (B) Each person who owns more than ten per cent of an
10 appraisal management company who is applying for
11 registration as an appraisal management company,
12 as provided by section 466L-7; and

13 (C) Each of the controlling persons of an applicant
14 for registration as an appraisal management
15 company, as provided by section 466L-7;

16 (41) The department of health or its designee on all
17 license applicants, licensees, employees, contractors,
18 and prospective employees of medical cannabis
19 dispensaries, and individuals permitted to enter and
20 remain in medical cannabis dispensary facilities as



1 provided under sections 329D-15(a)(4) and
2 329D-16(a)(3);

3 (42) The department of commerce and consumer affairs on
4 applicants for nurse licensure or license renewal,
5 reactivation, or restoration as provided by sections
6 457-7, 457-8, 457-8.5, and 457-9;

7 (43) The county police departments on applicants for
8 permits to acquire firearms pursuant to section 134-2
9 and on individuals registering their firearms pursuant
10 to section 134-3;

11 (44) The department of commerce and consumer affairs on:

12 (A) Each of the controlling persons of the applicant
13 for licensure as an escrow depository, and each
14 of the officers, directors, and principals who
15 will be in charge of the escrow depository's
16 activities upon licensure; and

17 (B) Each of the controlling persons of an applicant
18 for proposed change in control of an escrow
19 depository licensee, and each of the officers,
20 directors, and principals who will be in charge



1 of the licensee's activities upon approval of
2 such application,
3 as provided by chapter 449;

4 (45) The department of taxation on current or prospective
5 employees or contractors who have access to federal
6 tax information in order to comply with requirements
7 of federal law, regulation, or procedure, as provided
8 by section 231-1.6;

9 (46) The department of labor and industrial relations on
10 current or prospective employees or contractors who
11 have access to federal tax information in order to
12 comply with requirements of federal law, regulation,
13 or procedure, as provided by section 383-110;

14 (47) The department of human services on current or
15 prospective employees or contractors who have access
16 to federal tax information in order to comply with
17 requirements of federal law, regulation, or procedure,
18 as provided by section 346-2.5;

19 (48) The child support enforcement agency on current or
20 prospective employees, or contractors who have access
21 to federal tax information in order to comply with



1 federal law, regulation, or procedure, as provided by
2 section 576D-11.5; and

3 (49) Any other organization, entity, or the State, its
4 branches, political subdivisions, or agencies as may
5 be authorized by state law."

6 SECTION 55. Act 116, Session Laws of Hawaii 2013, as
7 amended by section 4 of Act 101, Session Laws of Hawaii 2015, is
8 amended by amending section 25 to read as follows:

9 "SECTION 25. This Act shall take effect upon its approval
10 ~~[and shall be repealed on June 30, 2020, provided that:~~

11 ~~(1) Section 501-154, Hawaii Revised Statutes, in section 2~~
12 ~~of this Act;~~

13 ~~(2) Section 603-29, Hawaii Revised Statutes, in section 3~~
14 ~~of this Act;~~

15 ~~(3) Section 604-6.2, Hawaii Revised Statutes, in section 4~~
16 ~~of this Act;~~

17 ~~(4) Section 607-4(d), Hawaii Revised Statutes, in section~~
18 ~~5 of this Act;~~

19 ~~(5) The title and subsection (a) of section 607-8, Hawaii~~
20 ~~Revised Statutes, in section 6 of this Act;~~



S.B. NO. 2909

- 1 ~~(6) Section 633-8, Hawaii Revised Statutes, in section 7~~
2 ~~of this Act;~~
- 3 ~~(7) Section 634-11, Hawaii Revised Statutes, in section 8~~
4 ~~of this Act;~~
- 5 ~~(8) Section 634-12, Hawaii Revised Statutes, in section 9~~
6 ~~of this Act;~~
- 7 ~~(9) Section 634-22, Hawaii Revised Statutes, in section 10~~
8 ~~of this Act;~~
- 9 ~~(10) Section 634-29, Hawaii Revised Statutes, in section 11~~
10 ~~of this Act;~~
- 11 ~~(11) Section 651-1, Hawaii Revised Statutes, in section 12~~
12 ~~of this Act;~~
- 13 ~~(12) Section 652-1.5(a), Hawaii Revised Statutes, in~~
14 ~~section 13 of this Act;~~
- 15 ~~(13) Section 652-2, Hawaii Revised Statutes, in section 14~~
16 ~~of this Act;~~
- 17 ~~(14) Section 652-2.5, Hawaii Revised Statutes, in section~~
18 ~~15 of this Act;~~
- 19 ~~(15) Section 652-2.6(a), Hawaii Revised Statutes, in~~
20 ~~section 16 of this Act;~~



1 ~~(16) Section 654-2, Hawaii Revised Statutes, in section 17~~
2 ~~of this Act;~~

3 ~~(17) Section 666-11, Hawaii Revised Statutes, in section 18~~
4 ~~of this Act; and~~

5 ~~(18) Section 666-21(b), Hawaii Revised Statutes, in section~~
6 ~~19 of this Act,~~

7 ~~shall be reenacted in the form in which they read on the day~~
8 ~~prior to the effective date of this Act]."~~

9 SECTION 56. Section 353C-6, Hawaii Revised Statutes, is
10 repealed.

11 ~~["[§353C-6] Parking fees, exemption. Notwithstanding any~~
12 ~~other law, rule, or provision to the contrary, special service~~
13 ~~deputies of the department of public safety are exempt from all~~
14 ~~state and county parking meter fees and county time parking~~
15 ~~restrictions while in the performance of their official duties,~~
16 ~~including attendance at court; provided that this exemption~~
17 ~~shall:~~

18 ~~(1) Apply exclusively to state owned law enforcement~~
19 ~~vehicles assigned to the department of public safety;~~
20 ~~and~~



1 ~~(2) Not apply to private individuals retained by the~~
2 ~~department on a contractual basis to serve civil~~
3 ~~process in any capacity."]~~

4 SECTION 57. Section 353C-10, Hawaii Revised Statutes, is
5 repealed.

6 ~~["§353C-10 Service of process; list. (a) For service of~~
7 ~~process, the director shall maintain a list of independent civil~~
8 ~~process servers to process:~~

9 ~~(1) Orders to show cause pursuant to chapters 603, 604,~~
10 ~~and 633;~~

11 ~~(2) Garnishment pursuant to chapter 652;~~

12 ~~(3) Writs of replevin and attachment pursuant to chapter~~
13 ~~634;~~

14 ~~(4) Writs of possession pursuant to chapters 501 and 666;~~

15 ~~(5) Orders for examination pursuant to chapter 636; and~~

16 ~~(6) Writs of attachment or execution pursuant to chapter~~
17 ~~651.~~

18 ~~(b) Any independent civil process server may submit the~~
19 ~~server's name to the director to be placed on the list; provided~~
20 ~~that a person shall not be placed on the list if the person:~~

21 ~~(1) Is serving a criminal sentence;~~



1 ~~(2) Has been convicted of a crime within the previous ten~~

2 ~~years;~~

3 ~~(3) Is required to register as a sex offender;~~

4 ~~(4) Is subject to any other legal restriction, including a~~

5 ~~temporary restraining order, that prevents the person~~

6 ~~from serving process; or~~

7 ~~(5) Cannot provide a copy of a current State of Hawaii~~

8 ~~general excise tax license.~~

9 ~~(c) The department, the State, and the agencies, officers,~~

10 ~~and employees of the department or the State shall not be~~

11 ~~responsible or liable for the actions of any independent civil~~

12 ~~process servers on the list. The maintenance of the list shall~~

13 ~~not create a private cause of action against the department, the~~

14 ~~State, or the agencies, officers, and employees of the~~

15 ~~department or the State.~~

16 ~~(d) Placement of a person's name on the list shall not~~

17 ~~make the person a law enforcement officer, sheriff or deputy~~

18 ~~sheriff, or an employee or agent of the State."]~~

19 PART II

20 SECTION 58. All rights, powers, functions, and duties of

21 the department of land and natural resources relating to



1 conservation and resources enforcement are transferred to the
2 department of the attorney general.

3 All officers and employees whose functions are transferred
4 by this Act shall be transferred with their functions and shall
5 continue to perform their regular duties upon their transfer,
6 subject to the state personnel laws and this Act.

7 No officer or employee of the State having tenure shall
8 suffer any loss of salary, seniority, prior service credit,
9 vacation, sick leave, or other employee benefit or privilege as
10 a consequence of this Act, and such officer or employee may be
11 transferred or appointed to a civil service position without the
12 necessity of examination; provided that the officer or employee
13 possesses the minimum qualifications for the position to which
14 transferred or appointed; and provided that subsequent changes
15 in status may be made pursuant to applicable civil service and
16 compensation laws.

17 An officer or employee of the State who does not have
18 tenure and who may be transferred or appointed to a civil
19 service position as a consequence of this Act shall become a
20 civil service employee without the loss of salary, seniority,
21 prior service credit, vacation, sick leave, or other employee



1 benefits or privileges and without the necessity of examination;
2 provided that such officer or employee possesses the minimum
3 qualifications for the position to which transferred or
4 appointed.

5 If an office or position held by an officer or employee
6 having tenure is abolished, the officer or employee shall not
7 thereby be separated from public employment, but shall remain in
8 the employment of the State with the same pay and classification
9 and shall be transferred to some other office or position for
10 which the officer or employee is eligible under the personnel
11 laws of the State as determined by the head of the department or
12 the governor.

13 SECTION 59. All rules, policies, procedures, guidelines,
14 and other material adopted or developed by the department of
15 land and natural resources to implement provisions of the Hawaii
16 Revised Statutes which are reenacted or made applicable to the
17 department of the attorney general by this Act, shall remain in
18 full force and effect until amended or repealed by the
19 department of the attorney general pursuant to chapter 91,
20 Hawaii Revised Statutes. In the interim, every reference to the
21 department of land and natural resources or the board of land



1 and natural resources in those rules, policies, procedures,
2 guidelines, and other material is amended to refer to the
3 department of the attorney general or the attorney general as
4 appropriate.

5 SECTION 60. All deeds, leases, contracts, loans,
6 agreements, permits, or other documents executed or entered into
7 by or on behalf of the department of land and natural resources
8 pursuant to the provisions of the Hawaii Revised Statutes, which
9 are reenacted or made applicable to the department of the
10 attorney general by this Act, shall remain in full force and
11 effect. Upon the effective date of this Act, every reference to
12 the department of land and natural resources or the board of
13 land and natural resources therein shall be construed as a
14 reference to the department of the attorney general as
15 appropriate.

16 SECTION 61. All appropriations, records, equipment,
17 machines, files, supplies, contracts, books, papers, documents,
18 maps, and other personal property heretofore made, used,
19 acquired, or held by the department of land and natural
20 resources relating to the functions transferred to the



1 department of the attorney general shall be transferred with the
2 functions to which they relate.

3 PART III

4 SECTION 62. All rights, powers, functions, and duties of
5 the department of public safety relating to state law
6 enforcement officers and narcotics enforcement investigators in
7 the narcotics enforcement division are transferred to the
8 department of the attorney general.

9 All officers and employees whose functions are transferred
10 by this Act shall be transferred with their functions and shall
11 continue to perform their regular duties upon their transfer,
12 subject to the state personnel laws and this Act.

13 No officer or employee of the State having tenure shall
14 suffer any loss of salary, seniority, prior service credit,
15 vacation, sick leave, or other employee benefit or privilege as
16 a consequence of this Act, and such officer or employee may be
17 transferred or appointed to a civil service position without the
18 necessity of examination; provided that the officer or employee
19 possesses the minimum qualifications for the position to which
20 transferred or appointed; and provided that subsequent changes



1 in status may be made pursuant to applicable civil service and
2 compensation laws.

3 An officer or employee of the State who does not have
4 tenure and who may be transferred or appointed to a civil
5 service position as a consequence of this Act shall become a
6 civil service employee without the loss of salary, seniority,
7 prior service credit, vacation, sick leave, or other employee
8 benefits or privileges and without the necessity of examination;
9 provided that such officer or employee possesses the minimum
10 qualifications for the position to which transferred or
11 appointed.

12 If an office or position held by an officer or employee
13 having tenure is abolished, the officer or employee shall not
14 thereby be separated from public employment, but shall remain in
15 the employment of the State with the same pay and classification
16 and shall be transferred to some other office or position for
17 which the officer or employee is eligible under the personnel
18 laws of the State as determined by the head of the department or
19 the governor.

20 SECTION 63. All rules, policies, procedures, guidelines,
21 and other material adopted or developed by the department of



1 public safety to implement provisions of the Hawaii Revised
2 Statutes which are reenacted or made applicable to the
3 department of the attorney general by this Act, shall remain in
4 full force and effect until amended or repealed by the
5 department of the attorney general pursuant to chapter 91,
6 Hawaii Revised Statutes. In the interim, every reference to the
7 department of public safety or director of public safety in
8 those rules, policies, procedures, guidelines, and other
9 material is amended to refer to the department of the attorney
10 general or attorney general as appropriate.

11 SECTION 64. All deeds, leases, contracts, loans,
12 agreements, permits, or other documents executed or entered into
13 by or on behalf of the department of public safety pursuant to
14 the provisions of the Hawaii Revised Statutes, which are
15 reenacted or made applicable to the department of the attorney
16 general by this Act, shall remain in full force and effect.
17 Upon the effective date of this Act, every reference to the
18 department of public safety or the director of public safety
19 therein shall be construed as a reference to the department of
20 the attorney general as appropriate.



1 SECTION 65. All appropriations, records, equipment,
2 machines, files, supplies, contracts, books, papers, documents,
3 maps, and other personal property heretofore made, used,
4 acquired, or held by the department of public safety relating to
5 the functions transferred to the department of the attorney
6 general shall be transferred with the functions to which they
7 relate.

8 PART IV

9 SECTION 66. All rights, powers, functions, and duties of
10 the department of transportation relating to harbors law
11 enforcement are transferred to the department of the attorney
12 general.

13 All officers and employees whose functions are transferred
14 by this Act shall be transferred with their functions and shall
15 continue to perform their regular duties upon their transfer,
16 subject to the state personnel laws and this Act.

17 No officer or employee of the State having tenure shall
18 suffer any loss of salary, seniority, prior service credit,
19 vacation, sick leave, or other employee benefit or privilege as
20 a consequence of this Act, and such officer or employee may be
21 transferred or appointed to a civil service position without the



1 necessity of examination; provided that the officer or employee
2 possesses the minimum qualifications for the position to which
3 transferred or appointed; and provided that subsequent changes
4 in status may be made pursuant to applicable civil service and
5 compensation laws.

6 An officer or employee of the State who does not have
7 tenure and who may be transferred or appointed to a civil
8 service position as a consequence of this Act shall become a
9 civil service employee without the loss of salary, seniority,
10 prior service credit, vacation, sick leave, or other employee
11 benefits or privileges and without the necessity of examination;
12 provided that such officer or employee possesses the minimum
13 qualifications for the position to which transferred or
14 appointed.

15 If an office or position held by an officer or employee
16 having tenure is abolished, the officer or employee shall not
17 thereby be separated from public employment, but shall remain in
18 the employment of the State with the same pay and classification
19 and shall be transferred to some other office or position for
20 which the officer or employee is eligible under the personnel



1 laws of the State as determined by the head of the department or
2 the governor.

3 SECTION 67. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by the department of
5 transportation to implement provisions of the Hawaii Revised
6 Statutes which are reenacted or made applicable to the
7 department of the attorney general by this Act, shall remain in
8 full force and effect until amended or repealed by the
9 department of the attorney general pursuant to chapter 91,
10 Hawaii Revised Statutes. In the interim, every reference to the
11 department of transportation or director of transportation in
12 those rules, policies, procedures, guidelines, and other
13 material is amended to refer to the department of the attorney
14 general or attorney general as appropriate.

15 SECTION 68. All deeds, leases, contracts, loans,
16 agreements, permits, or other documents executed or entered into
17 by or on behalf of the department of transportation pursuant to
18 the provisions of the Hawaii Revised Statutes, which are
19 reenacted or made applicable to the department of the attorney
20 general by this Act, shall remain in full force and effect.
21 Upon the effective date of this Act, every reference to the



1 department of transportation or the director of transportation
2 therein shall be construed as a reference to the department of
3 the attorney general as appropriate.

4 SECTION 69. All appropriations, records, equipment,
5 machines, files, supplies, contracts, books, papers, documents,
6 maps, and other personal property heretofore made, used,
7 acquired, or held by the department of transportation relating
8 to the functions transferred to the department of the attorney
9 general shall be transferred with the functions to which they
10 relate.

11 PART V

12 SECTION 70. In codifying the new sections added by section
13 1 of this Act, the revisor of statutes shall substitute
14 appropriate section numbers for the letters used in designating
15 the new sections in this Act.

16 SECTION 71. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 72. This Act shall take effect on July 1, 2019.

19 INTRODUCED BY: _____

[Signature]

[Signature]
[Signature]
[Signature]



S.B. NO. 2909

SONIC Finkler



S.B. NO. 2909

Report Title:

Law Enforcement; Attorney General; DLNR; DPS; DOT

Description:

Establishes an enforcement division in the Department of the Attorney General. Transfers to the Department of the Attorney General enforcement division the law enforcement activities of the Department of Land and Natural Resources, Division of Conservation and Resources Enforcement; the Department of Public Safety state law enforcement officers and the narcotics enforcement division; and the Department of Transportation harbors division. Repeals the sunset of Act 116, SLH 2013, as amended by section 4 of Act 101, SLH 2015. Effective 7/1/2019.

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

