

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

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

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



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

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

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

17 The purpose of this Act is to require the governor to  
18 appoint a law enforcement working group to establish  
19 professional recruitment, hiring, and training standards for all  
20 state law enforcement officers who carry firearms and badges and  
21 who have arrest authority.



1       SECTION 2. (a) The governor shall appoint a law  
2 enforcement working group, to be administratively attached to  
3 the department of public safety. The purpose of the working  
4 group shall be to recommend a process and minimum requirements  
5 for certification and de-certification of all state law  
6 enforcement officers by establishing professional recruitment,  
7 hiring, and training standards for all state law enforcement  
8 officers who carry firearms and badges and who have the arrest  
9 authority.

10       (b) The law enforcement working group shall consist of the  
11 following members:

- 12       (1) The state sheriff or the state sheriff's designee;  
13       (2) A representative of the department of land and natural  
14 resources law enforcement division;  
15       (3) A representative of the department of transportation,  
16 harbors police;  
17       (4) A representative of the department of transportation,  
18 airport division;  
19       (5) A representative of the department of the attorney  
20 general;



(6) A representative of the department of taxation enforcement division;

(7) The director of the department of human resources development or the director's designee;

(8) Two community members to be appointed by the governor without regard to section 26-34 and who have at least five years experience in criminal justice, academia, non-profit, or private sector human resource management;

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

(d) The law enforcement working group shall meet at least twice a quarterly. All meetings of the law enforcement working group shall be subject to the requirements of chapter 91 and chapter 92, Hawaii Revised Statutes.

(e) The law enforcement working group shall:



(1) Make a preliminary report to the legislature by December 1, 2019; provided that prior to the completion of the report, the law enforcement working group shall hold at least two public hearings to receive public testimony and comments on a draft of the report; and

(2) Make a final report to the legislature by December 1, 2020, which shall include recommendations for statewide recruitment standards, hiring standards, and training standards for all law enforcement officers in order to be certified by the State to serve as a law enforcement officer; provided that at a minimum, all state law enforcement officers shall be required to be high school graduates.

(f) The law enforcement working group shall cease to exist on May 31, 2021.

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

"§28- Hiring of terminated law enforcement officer prohibited. A law enforcement officer who has been terminated



1 for misconduct by a state or county department, agency, or  
2 office in the capacity of law enforcement shall not be hired by  
3 another state or county law enforcement department, agency, or  
4 office."

5 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY: Will Zygo  
Clarena K. Smith  
Rosely H. Baker  
Anne Mercado R.  
Nike Gebhardt  
Karl Rhoads  
Frederick J.



# S.B. NO. 564

**Report Title:**

Law Enforcement Working Group; Misconduct; Termination

**Description:**

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

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