

STAND. COM. REP. NO.

2449

Honolulu, Hawaii

FEB 16 2018

RE: S.B. No. 2429  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Labor, to which was referred S.B. No. 2429 entitled:

"A BILL FOR AN ACT RELATING TO GUARDS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit a security guard from possessing a firearm in the course of employment if the guard was discharged from employment as a law enforcement officer due to poor employment standing; and
- (2) Require state and county law enforcement agencies to make appropriate disclosures to employers conducting employment background checks of the employer's prospective employees.

Your Committees received testimony in support of this measure from the Department of Transportation and one individual. Your Committees received testimony in opposition to this measure from the Board of Private Detective and Guards.

Your Committees find that ensuring the hiring of qualified security guards in the State is essential to protecting public health and safety. Your Committees find that since security



guards in the State have the ability to carry firearms, it is essential that they meet certain standards, such as not having been previously discharged or otherwise ending employment due to their misconduct. There is a strong correlation between law enforcement officers becoming security guards, but there are no existing safeguards in place relating to those who may have previously been discharged as a law enforcement officer due to poor employment standing and are subsequently hired as a security guard. Your Committees find that to better protect the public, those security guards who have previously been discharged as a law enforcement officer due to poor employment standing should be prohibited from carrying firearms while employed as security guards. In addition, your Committees agree with the testimony from the Department of Transportation indicating that the Department should be included as one of the agencies required to disclose whether a prospective employee was discharged due to poor employment standing from employment with the department.

Further, your Committees note concerns raised in the testimony of the Board of Private Detectives and Guards relating to the Board's lack of authority to authorize a guard or detective to carry firearms. Your Committees recognize that only the counties and certain state agencies may deputize licensed guards or detectives for law enforcement duties, including authorizing them to carry firearms. Accordingly, if your Committee on Commerce, Consumer Protection, and Health decides to hear this measure, your Committee on Commerce, Consumer Protection, and Health may want to consider prohibiting the Board from licensing in the first place those individuals who have been discharged from employment as a law enforcement officer due to poor employment standing.

Your Committees have amended this measure by:

- (1) Adding the Department of Transportation as one of the agencies required to disclose whether a prospective employee was discharged due to poor employment standing from employment with the department; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2429, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2429, S.D. 1, and be referred to your Committee on Commerce, Consumer Protection, and Health.

Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety,  
Intergovernmental, and Military  
Affairs and Labor,

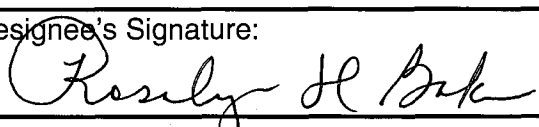
  
\_\_\_\_\_  
JILL N. TOKUDA, Chair

  
\_\_\_\_\_  
CLARENCE K. NISHIHARA, Chair



The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2429	PSM/LBR, CPH	2-13-18		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310	<input type="checkbox"/> Recommit 2313	
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			<del>✓</del> RLB
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
<b>TOTAL</b>	5	-	-	-
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes

The Senate  
Twenty-Ninth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Labor**  
**LBR**

Bill / Resolution No.:* <b>SB2429</b>	Committee Referral: <b>PSM/LBR, CPH</b>	Date: <b>2/13/18</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
ENGLISH, J. Kalani (VC)				✓
CHANG, Stanley	✓			
IHARA, Jr., Les	✓			
TANIGUCHI, Brian T.	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes