
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 PART I

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

5 "PART . ENFORCEMENT DIVISION

6 §28-A Enforcement division. (a) There is established in
7 the department of the attorney general an enforcement division.
8 The enforcement division shall consist of law enforcement
9 officers, investigators, and other specialized personnel
10 necessary to implement this part. Personnel subject to this
11 part shall be appointed by the attorney general, who shall fix
12 their compensation. Every appointee shall be entitled to hold
13 the appointee's position during good behavior, subject to
14 removal by the attorney general only as provided in chapter 76.

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



1 (1) Division of conservation and resources enforcement of
2 the department of land and natural resources;

3 (2) Department of public safety:

4 (A) State law enforcement officers; and

5 (B) Narcotics enforcement investigators with the
6 narcotics enforcement division; and

7 (3) Harbors division of the department of transportation.

8 **§28-B Law enforcement officers.** (a) The law enforcement
9 officers appointed by the attorney general shall have all of the
10 powers of police officers, including the power of arrest. The
11 duties of the law enforcement officers shall include the service
12 of process, including subpoenas, warrants, and other legal
13 documents, and other duties as the attorney general may assign.

14 (b) The state law enforcement officers transferred from
15 the department of public safety by Act , Session Laws of
16 Hawaii 2021, shall be responsible for public safety in state
17 buildings as well as the personal protection of government
18 officials and employees while in the conduct of their duties.

19 **§28-C Parking fees, exemption.** Notwithstanding any other
20 law to the contrary, law enforcement officers of the department
21 of the attorney general shall be exempt from all state and



1 county parking meter fees and county time parking restrictions
2 while in the performance of their official duties, including
3 attendance at court; provided that the exemption shall:

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

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

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

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

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

19 (2) Garnishment pursuant to chapter 652;

20 (3) Writs of replevin and attachment pursuant to chapter
21 634;



- 1 (4) Writs of possession pursuant to chapters 501 and 666;
- 2 (5) Orders for examination pursuant to chapter 636; and
- 3 (6) Writs of attachment or execution pursuant to chapter
- 4 651.

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

- 9 (1) Is serving a criminal sentence;
- 10 (2) Has been convicted of a crime within the previous ten
- 11 years;
- 12 (3) Is required to register as a sex offender;
- 13 (4) Is subject to any other legal restriction, including a
- 14 temporary restraining order, that prevents the person
- 15 from serving process; or
- 16 (5) Cannot provide a copy of a current State of Hawaii
- 17 general excise tax license.

18 (c) The department of the attorney general, State, and
19 agencies, officers, and employees of the department of the
20 attorney general or State shall not be responsible or liable for
21 the actions of any independent civil process server on the list.



1 The maintenance of the list shall not create a private cause of
2 action against the department of the attorney general, State, or
3 agencies, officers, and employees of the department of the
4 attorney general or State.

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

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

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

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

18 2. By amending subsections (d) through (f) to read:

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



- 1 (1) The department of corrections relating to adult
2 corrections and the intake service centers;
- 3 (2) The judiciary relating to the sheriff's office and
4 judiciary security personnel; and
- 5 (3) The department of the attorney general relating to
6 state law enforcement officers and narcotics
7 enforcement investigators with the narcotics
8 enforcement division,

9 shall be transferred to the department of public safety.

10 Effective July 1, 2022, the functions and authority
11 heretofore exercised by the department of public safety relating
12 to personnel subject to paragraphs (2) and (3) shall be
13 transferred to the department of the attorney general.

14 (e) Effective July 1, 1990, the functions and authority
15 heretofore exercised by the department of health pursuant to
16 chapters 329 and 329C, with the exception of sections 329-2,
17 329-3, and [~~329-4(3) to (8),~~] 329-4, shall be transferred to the
18 department of public safety.

19 Effective July 1, 2022, the functions and authority
20 heretofore exercised by the department of public safety pursuant



1 to sections 329-51, 329-59, and 329-69 shall be transferred to
2 the department of the attorney general.

3 (f) Effective July 1, 1990, the functions, authority, and
4 obligations, together with the limitations imposed thereon and
5 the privileges and immunities conferred thereby, exercised by a
6 "sheriff", "sheriffs", [a] "sheriff's deputy", "sheriff's
7 deputies", [a] "deputy sheriff", "deputy sheriffs", or [a]
8 "deputy", under sections 21-8, 47-18, 105-4, 134-51, 183D-11,
9 187A-14, 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-
10 6, 325-9, 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-
11 4, 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,
12 [~~587-33,~~] 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
13 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
14 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
15 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
16 exercised to the same extent by the department of public safety.

17 Effective July 1, 2022, the functions, authority, and
18 obligations, together with the limitations imposed thereon and
19 the privileges and immunities conferred thereby, exercised by a
20 "sheriff", "sheriffs", "sheriff's deputy", "sheriff's deputies",
21 "deputy sheriff", "deputy sheriffs", or "deputy", under sections



1 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14, 231-25, 281-108,
2 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9, 353-11, 356D-54,
3 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-202, 501-42, 501-
4 171, 501-218, 521-78, 578-4, 584-6, 587A-13, 603-29, 604-6.2,
5 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-21, 634-
6 22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13, 660-16, 666-
7 11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18, 804-41, 805-
8 1, 806-71, and 832-23 shall not be exercised by the department
9 of public safety."

10 SECTION 3. Section 28-151, Hawaii Revised Statutes, is
11 amended by amending the definitions of "law enforcement agency"
12 and "law enforcement officer" to read as follows:

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, enforcement officer within the department of
19 [~~land and natural resources conservation and resources~~
20 ~~enforcement program, enforcement officer within the department~~
21 ~~of transportation harbors division,~~] the attorney general



1 enforcement division, and any other employee of a state or
2 county public body who carries a badge and firearm and has
3 powers of arrest."

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

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

8 "Emergency services personnel" means any employee of an
9 emergency services provider who is engaged in providing
10 firefighting, water safety, and emergency medical services.

11 "Emergency services provider" means any public employer
12 that employs persons to provide firefighting, water safety, and
13 emergency medical services.

14 "Employee assistance program" means a program established
15 by a law enforcement agency or emergency services provider to
16 provide counseling or support services to employees of the law
17 enforcement agency or emergency services provider.

18 "Law enforcement agency" means any county police
19 department, the department of [~~public safety~~] the attorney
20 general, and any state or county public body that employs law
21 enforcement officers.



1 "Law enforcement officer" means a sheriff, deputy sheriff,
2 police officer, parole officer, or probation officer.

3 "Peer support counseling sessions" includes critical
4 incident stress management sessions."

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

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

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

17 "(j) In all cases where a permit application under this
18 section is denied because an applicant is prohibited from
19 owning, possessing, receiving, or controlling firearms under
20 federal or state law, the chief of police of the applicable
21 county shall, within ten business days from the date of denial,



1 send written notice of the denial including the identity of the
2 applicant and the reasons for the denial to the:

- 3 (1) Prosecuting attorney in the county where the permit
- 4 was denied;
- 5 (2) Attorney general; and
- 6 (3) United States Attorney for the District of Hawaii[~~+~~
- 7 and
- 8 ~~(4) Director of public safety].~~

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

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



1 SECTION 7 Section 134-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§134-16 Restriction on possession, sale, gift, or**
4 **delivery of electric guns.** (a) It shall be unlawful for any
5 person, including a licensed manufacturer, licensed importer, or
6 licensed dealer, to possess, offer for sale, hold for sale,
7 sell, give, lend, or deliver any electric gun.

8 (b) Any electric gun possessed, offered for sale, held for
9 sale, sold, given, lent, or delivered in violation of subsection
10 (a) shall be confiscated and disposed of by the chief of police.

11 (c) This section shall not apply to:

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

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

15 [~~(3)~~] ~~Conservation and resources enforcement officers of the~~
16 ~~department of land and natural resources;~~

17 ~~(4)]~~ (3) Members of the Army or Air National Guard when
18 assisting civil authorities in disaster relief,
19 emergency management, or law enforcement functions,
20 subject to the requirements of section 121-34.5; and



1 ~~[(5) Law enforcement officers appointed by the director of~~
2 ~~transportation pursuant to section 266-24; and~~
3 ~~+(6)]~~ (4) Vendors providing electric guns to the
4 individuals described in paragraphs (1) through ~~[(5);]~~
5 (3);
6 provided that electric guns shall at all times remain in the
7 custody and control of the law enforcement officers of the
8 county police departments, the law enforcement officers of the
9 department of ~~[public safety, the conservation and resources~~
10 ~~enforcement officers of the department of land and natural~~
11 ~~resources,]~~ the attorney general, or the members of the Army or
12 Air National Guard~~[, or law enforcement officers appointed by~~
13 ~~the director of transportation].~~

14 (d) The county police departments of this State, the
15 department of ~~[public safety, the department of land and natural~~
16 ~~resources, the army and air national guard, and the department~~
17 ~~of transportation]~~ the attorney general, and the Army and Air
18 National Guard shall maintain records regarding every electric
19 gun in their custody and control. The records shall report
20 every instance of ~~[usage]~~ use of the electric guns; in
21 particular, records shall be maintained in a similar manner as



1 for those of discharging of firearms. The county police
2 departments, the department of [~~public safety, the department of~~
3 ~~land and natural resources, the army and air national guard, and~~
4 ~~the department of transportation]~~ the attorney general, and the
5 Army and Air National Guard shall annually report to the
6 legislature regarding these records no later than twenty days
7 before the beginning of each regular session of the legislature.

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



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

3 (f) No later than June 30, ~~[2018,]~~ 2023, 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 ~~[(g) No later than June 30, 2024, the law enforcement~~
10 ~~officers appointed by the director of transportation shall meet~~
11 ~~the law enforcement accreditation or recognition standards of~~
12 ~~the Commission on Accreditation for Law Enforcement Agencies,~~
13 ~~Inc., in the use of electric guns.]"~~

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

16 "**§199-1 [Board] Attorney general; board of land and**
17 **natural resources**~~[7]~~**;** **powers and duties.** The ~~[board of land and~~
18 ~~natural resources]~~ attorney general shall establish within the
19 department of ~~[land and natural resources]~~ the attorney general
20 enforcement division a conservation and resources enforcement
21 program relating to the enforcement of title 12~~[7]~~;



1 6E, and 6K[~~7~~]; and rules adopted thereunder, and shall employ or
 2 appoint, and remove, the following persons, subject to chapter
 3 76 and section 78-1, who shall be provided with suitable badges
 4 or insignia of office by the department of [~~land and natural~~
 5 ~~resources~~] the attorney general:

6 (1) An enforcement chief of the department of [~~land and~~
 7 ~~natural resources~~,] the attorney general enforcement
 8 division, who shall be the head of the conservation
 9 and resources enforcement program and shall have
 10 charge, direction, and control, subject to the
 11 direction and control of the board[~~7~~] of land and
 12 natural resources, of all matters relating to the
 13 enforcement of title 12[~~7~~]; chapters 6D, 6E, and
 14 6K[~~7~~]; and rules adopted thereunder and [~~such~~] other
 15 matters as the board of land and natural resources may
 16 from time to time direct. The enforcement chief shall
 17 be an administrator experienced in conservation and
 18 resources law enforcement and management; and

19 (2) Personnel and enforcement officers of the conservation
 20 and resources enforcement program, including but not



H.B. NO. 629

1 limited to enforcement officers on a voluntary basis
2 and without pay."

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

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

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

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

17 SECTION 11. Section 199-4, Hawaii Revised Statutes, is
18 amended by amending its title and subsection (a) to read as
19 follows:

20 "~~§199-4 [Board of land and natural resources,~~ Attorney
21 general; police powers. (a) The [~~board of land and natural~~



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

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

20 "§199-6 **Failure to obey a summons.** Any person who fails
21 to appear at the place and within the time specified in the



1 summons or citation issued by the officers or their agents or
 2 subordinates, upon that person's arrest for violation of title
 3 12[~~7~~]; chapters 6D, 6E, and 6K[~~7~~]; and rules adopted thereunder,
 4 shall be guilty of a petty misdemeanor and, upon conviction,
 5 shall be fined [~~not~~] no more than \$500 or be imprisoned [~~not~~] no
 6 more than thirty days, or both.

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

12 When a complaint is made to any prosecuting officer of the
 13 violation of title 12[~~7~~]; chapters 6D, 6E, and 6K[~~7~~]; and rules
 14 adopted thereunder, the officer who issued the summons or
 15 citation shall subscribe to it under oath administered by
 16 another official or officials of the department of [~~land and~~
 17 ~~natural resources~~] the attorney general whose names have been
 18 submitted to the prosecuting officer and who have been
 19 designated by the [~~chairperson of the board of land and natural~~
 20 ~~resources~~] attorney general to administer the same."



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

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

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

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

18 "(c) The department of [~~land and natural resources~~] the
19 attorney general shall compile a list of all equipment,
20 articles, instruments, aircraft, vehicles, vessels, or any



1 natural resource forfeited as provided in this section and shall
2 publish the list in its annual report.

3 (d) Notwithstanding any other law to the contrary, the
4 department of [~~land and natural resources~~] the attorney general
5 may sell or take actions to cause the sale of any perishable
6 natural resource that is seized to prevent the waste of the
7 natural resource and to ensure the economic value of [~~such~~] the
8 natural resource; provided that the department [~~may~~] shall not
9 sell or cause the sale of any threatened or endangered species
10 or any other species whose sale is prohibited by law. The
11 department of [~~land and natural resources~~] the attorney general
12 may require the person or persons who took the natural resources
13 to sell the seized natural resources at fair market value. The
14 department of [~~land and natural resources~~] the attorney general
15 may require any person purchasing any seized natural resource to
16 deliver the proceeds of the sale to the department of [~~land and~~
17 ~~natural resources~~] the attorney general or its authorized
18 representative. Any person who refuses to sell the seized
19 natural resources at fair market value or any person who fails
20 to deliver the proceeds of the sale, as directed by the
21 department of [~~land and natural resources,~~] the attorney



1 general, shall be in violation of this subsection and punishable
2 as provided by law. The department of [~~land and natural~~
3 ~~resources~~] the attorney general shall deposit and keep the
4 proceeds of the sale in an interest bearing account until such
5 time as the suspected violation is settled between the person or
6 persons who took the natural resource, consignee or consignees,
7 if any, and the department of [~~land and natural resources.~~] the
8 attorney general. Should a settlement not be reached, the
9 department of [~~land and natural resources~~] the attorney general
10 shall submit the proceeds of the sale to the environmental
11 court. The proceeds of the sale, after deducting any reasonable
12 costs of the sale incurred by the department of [~~land and~~
13 ~~natural resources,~~] the attorney general, shall be subject to
14 any administrative or judicial proceedings in the same manner as
15 the seized natural resource would have been, including an action
16 in rem for the forfeiture of the proceeds. Seizure and sale of
17 a natural resource is without prejudice to any other remedy or
18 sanction authorized by law."

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



1 "~~[+]§200-27[+]~~ **Police reports.** For the purpose of
 2 enforcement, it shall be incumbent upon the [~~director of public~~
 3 ~~safety~~] attorney general and the police chief of each county to
 4 transmit to the department a copy of every investigation report
 5 submitted by the [~~director of public safety~~] attorney general
 6 and the police chief's subordinate officers which relate to
 7 boating accidents or the theft, loss, or recovery of vessels
 8 required to be registered and numbered pursuant to section 200-
 9 31."

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

12 "**§266-24 Enforcement.** (a) The [~~director of~~
 13 ~~transportation~~] attorney general shall enforce this chapter and
 14 all rules thereunder, except for the rules relative to the
 15 control and management of the beaches encumbered with easements
 16 in favor of the public and ocean waters which shall be enforced
 17 by the department of land and natural resources. For the
 18 purpose of the enforcement of this chapter and of all rules
 19 adopted pursuant to this chapter, the powers of police officers
 20 are conferred upon the [~~director of transportation~~] attorney
 21 general and any officer, employee, or representative of the



1 department of [~~transportation~~] the attorney general. Without
2 limiting the generality of the foregoing, the [~~director~~
3 attorney general and any person in the department of the
4 attorney general who is appointed by the [~~director~~] attorney
5 general hereunder may serve and execute warrants, arrest
6 offenders, and serve notices and orders. The [~~director of~~
7 ~~transportation~~] attorney general and any employee, agent, or
8 representative of the department of [~~transportation~~] the
9 attorney general appointed as enforcement officers by the
10 [~~director~~] attorney general, and every state and county officer
11 charged with the enforcement of any law, statute, rule,
12 regulation, ordinance, or order, shall enforce and assist in the
13 enforcement of this chapter and of all rules and orders issued
14 pursuant thereto, and in carrying out the responsibilities
15 hereunder, each shall be specifically authorized to:

- 16 (1) Conduct any enforcement action hereunder in any
17 commercial harbor area and any area over which the
18 department of transportation and the director of
19 transportation has jurisdiction under this chapter;
- 20 (2) Inspect and examine at reasonable hours any premises,
21 and the buildings and other structures thereon, where



1 harbors or harbor facilities are situated, or where
 2 harbor-related activities are operated or conducted;
 3 and

4 (3) Subject to limitations as may be imposed by the
 5 director of transportation, serve and execute
 6 warrants, arrest offenders, and serve notices and
 7 orders.

8 Any employee appointed as a law enforcement officer by the
 9 ~~[director of transportation]~~ attorney general pursuant to this
 10 section who has been qualified by training may use electric
 11 guns, as specifically provided in section 134-16, when
 12 exercising powers of police officers and carrying out the
 13 responsibilities described herein; provided that training for
 14 the purposes of this section means a course of instruction or
 15 training in the use of any electric gun that is provided,
 16 authorized, or approved by the manufacturer of the electric gun
 17 ~~[prior to]~~ before deployment or issuance of electric guns and
 18 related equipment.

19 For purposes of this subsection, ~~[the term "agents and~~
 20 ~~representatives"]~~ "agent" and "representative" includes persons



1 performing services at harbors or harbor areas under contract
2 with the department of [~~transportation,~~] the attorney general.

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

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

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

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

17 [~~(2) Department of public safety law enforcement vehicles~~
18 ~~with blue and red lamps, reflectors, or illumination~~
19 ~~devices authorized and approved by the director of~~
20 ~~public safety;~~



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

6 ~~(4)]~~ (2) Department of [~~transportation division of harbors~~
 7 ~~law enforcement]~~ the attorney general vehicles with
 8 blue and red lamps, reflectors, or illumination
 9 devices authorized and approved by the [~~director of~~
 10 ~~transportation.]~~ attorney general.

11 This prohibition shall not apply to factory-installed instrument
 12 illumination."

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

16 ""Authorized emergency vehicle" includes fire department
 17 vehicles, police vehicles, ambulances, ocean safety vehicles,
 18 [~~public safety law enforcement vehicles, conservation and~~
 19 ~~resources enforcement vehicles, and department of transportation~~
 20 ~~division of harbors]~~ and department of the attorney general law
 21 enforcement vehicles authorized and approved pursuant to section



1 291-31.5 that are publicly owned and other publicly or privately
2 owned vehicles designated as such by a county council."

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

5 "(a) The department of [~~public safety,~~] the attorney
6 general, Hawaii paroling authority, judiciary, department of
7 health, department of human services, and any other agencies
8 assigned oversight responsibilities for offender substance abuse
9 treatment by law or administrative order, shall establish a
10 coordinating body through an interagency cooperative agreement
11 to oversee the development and implementation of offender
12 substance abuse treatment programs in the State to ensure
13 compliance with the intent of the master plan developed under
14 chapter 353G. The coordinating body shall also include a
15 representative from a community based prisoner advocacy group
16 and a substance abuse treatment provider selected by the
17 director of health, and an ex-offender selected by the [~~director~~
18 ~~of public safety~~] attorney general subject to the approval of
19 the chairperson of the Hawaii paroling authority and the chief
20 justice. The coordinating body shall meet [~~not~~] no less than
21 quarterly in a meeting subject to chapter 92. The interagency



1 cooperative agreement shall set forth the role of the
2 coordinating body and the responsibilities of each agency that
3 is a party to the agreement."

4 SECTION 19. Section 329-1, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By amending the definition of "administrator" to read:

7 ""Administrator" means the administrator of the [~~narcotics~~
8 ~~enforcement division of the department of public safety.~~]
9 enforcement division of the department of the attorney general."

10 2. By amending the definition of "department" to read:

11 ""Department" means the department of [~~public safety.~~] the
12 attorney general."

13 3. By amending the definition of "designated state agency"
14 to read:

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 4. By amending the definition of "immediate precursor" to
19 read:

20 ""Immediate precursor" means a substance [~~which~~] that the
21 department of [~~public safety~~] the attorney general has found to



1 be and by rule designates as being the principal compound
2 commonly used or produced primarily for use, and ~~[which]~~ that is
3 an immediate chemical intermediary used or likely to be used in
4 the manufacture of a controlled substance, the control of which
5 is necessary to prevent, curtail, or limit manufacture."

6 SECTION 20. Section 329-11, Hawaii Revised Statutes, is
7 amended by amending subsection (a) to read as follows:

8 "(a) Annually, upon the convening of each regular session
9 of the state legislature, the department of public safety shall
10 report to the legislature additions, deletions, or revisions in
11 the schedules of substances enumerated in sections 329-14, 329-
12 16, 329-18, 329-20, and 329-22, and any other recommendations
13 that it deems necessary. Three months ~~[prior to]~~ before the
14 convening of each regular session, the department of public
15 safety shall post public notice, at the state capitol and in the
16 office of the lieutenant governor for public inspection, of the
17 ~~[department's]~~ department of public safety's recommendations to
18 the legislature concerning any additions, deletions, or
19 revisions in these schedules; provided that the posting shall
20 not be required if official notice has been received that the
21 substance has been added, deleted, or rescheduled as a



1 controlled substance under federal law. In making a
2 determination regarding a substance, the department of public
3 safety shall assess the degree of danger or probable danger of
4 the substance by considering the following:

- 5 (1) The actual or probable abuse of the substance
6 including:
 - 7 (A) Its history and current pattern of abuse;
 - 8 (B) The scope, duration, and significance of abuse;
 - 9 and
 - 10 (C) A judgment of the degree of actual or probable
11 detriment that may result from the abuse of the
12 substance;
- 13 (2) The biomedical hazard of the substance including:
 - 14 (A) Its pharmacology: the effects and modifiers of
15 effects of the substance;
 - 16 (B) Its toxicology: the acute and chronic toxicity,
17 interaction with other substances whether
18 controlled or not, and liability to psychic or
19 physiological dependence;
 - 20 (C) Risk to public health and particular
21 susceptibility of segments of the population; and



1 (D) Existence of therapeutic alternatives for
2 substances that are or may be used for medical
3 purposes;

4 (3) A judgment of the probable physical and social impact
5 of widespread abuse of the substance;

6 (4) Whether the substance is an immediate precursor of a
7 substance already controlled under this part; and

8 (5) The current state of scientific knowledge regarding
9 the substance."

10 SECTION 21. Section 329-23, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The department of public safety shall make available
13 to the public on the [~~department's~~] department of public
14 safety's website the schedules annually or more often, as may be
15 necessary to update the schedules."

16 SECTION 22. Section 329-32, Hawaii Revised Statutes, is
17 amended as follows:

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

19 "(a) Every person who:



- 1 (1) Manufactures, distributes, prescribes, dispenses, or
2 conducts reverse distribution with any controlled
3 substance within this State;
- 4 (2) Proposes to engage in the manufacture, distribution,
5 prescription, dispensing, or reverse distribution of
6 any controlled substance within this State; or
- 7 (3) Dispenses or proposes to dispense any controlled
8 substance for use in this State by shipping, mailing,
9 or otherwise delivering the controlled substance from
10 a location outside this State;

11 shall obtain a registration issued by the department of public
12 safety in accordance with the [~~department's~~] department of
13 public safety's rules. A licensed or registered health care
14 professional who acts as the authorized agent of a practitioner
15 and who administers controlled substances at the direction of
16 the practitioner shall not be required to obtain a
17 registration."

18 2. By amending subsections (f) and (g) to read:

19 "(f) The department of public safety may inspect the
20 establishment of a registrant or applicant for registration in



1 accordance with the [~~department's~~] department of public safety's
2 rule.

3 (g) The department of public safety may require a
4 registrant to submit documents or written statements of fact
5 relevant to a registration that the department of public safety
6 deems necessary to determine whether the registration should be
7 granted or denied. The failure of the registrant to provide the
8 documents or statements within a reasonable time after being
9 requested to do so shall be deemed to be a waiver by the
10 registrant of the opportunity to present the documents or
11 statements for consideration by the department of public safety
12 in granting or denying the registration."

13 SECTION 23. Section 329-51, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§329-51 Powers of enforcement personnel.** Any officer or
16 employee of the department of [~~public safety~~] the attorney
17 general designated by the [~~director of public safety~~] attorney
18 general may:

19 (1) Carry firearms in the performance of the officer's or
20 employee's official duties;



1 (2) Execute and serve search warrants, arrest warrants,
2 administrative inspection warrants, subpoenas, and
3 summonses issued under the authority of this State;

4 (3) Make arrests without warrant for any offense under
5 this chapter and under part IV of chapter 712
6 committed in the officer's or employee's presence, or
7 if the officer or employee has probable cause to
8 believe that the person to be arrested has committed
9 or is committing a violation of this chapter or part
10 IV of chapter 712 which may constitute a felony;

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

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

14 SECTION 24. Section 329-54, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§329-54 Cooperative arrangements and confidentiality.**

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



H.B. NO. 629

- 1 (1) Arrange for the exchange of information among
2 governmental officials concerning the use and abuse of
3 controlled substances;
- 4 (2) Coordinate and cooperate in training programs
5 concerning controlled substance law enforcement at
6 local and state levels;
- 7 (3) Cooperate with the Bureau by establishing a
8 centralized unit to accept, catalogue, file, and
9 collect statistics, including records of drug
10 dependent persons and other controlled substance law
11 offenders within the State, and make the information
12 available for federal, state, and local law
13 enforcement purposes. It shall not furnish the name
14 or identity of a patient or research subject whose
15 identity could not be obtained under subsection (c);
16 and
- 17 (4) Conduct programs of eradication aimed at destroying
18 wild or illicit growth of plant species from which
19 controlled substances may be extracted.
- 20 (b) Results, information, and evidence received from the
21 Bureau relating to the regulatory functions of this chapter,



1 including results of inspections conducted by it, may be relied
2 and acted upon by the department of [~~public safety~~] the attorney
3 general in the exercise of its regulatory functions under this
4 chapter.

5 (c) A practitioner engaged in medical research is not
6 required or compelled to furnish the name or identity of a
7 research subject to the department of [~~public safety,~~] the
8 attorney general, nor may the practitioner be compelled in any
9 state or local civil, criminal, administrative, legislative, or
10 other proceedings to furnish the name or identity of any
11 research subject that the practitioner is obligated to keep
12 confidential unless the subject violates section 329-41 or 329-
13 46 or commits an offense pursuant to part IV of chapter 712."

14 SECTION 25. Section 329-58, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§329-58 Education and research.** (a) The department of
17 [~~public safety~~] the attorney general shall carry out educational
18 programs designed to prevent and determine misuse and abuse of
19 controlled substances. In connection with these programs it
20 may:



- 1 (1) Promote better recognition of the problems of misuse
2 and abuse of controlled substances within the
3 regulated industry and among interested groups and
4 organizations;
- 5 (2) Assist the regulated industry and interested groups
6 and organizations in contributing to the reduction of
7 misuse and abuse of controlled substances;
- 8 (3) Consult with interested groups and organizations to
9 aid them in solving administrative and organizational
10 problems;
- 11 (4) Evaluate procedures, projects, techniques, and
12 controls conducted or proposed as part of educational
13 programs on misuse and abuse of controlled substances;
- 14 (5) Disseminate the result of research on misuse and abuse
15 of controlled substances to promote a better public
16 understanding of what problems exist and what can be
17 done to combat them; and
- 18 (6) Assist in the education and training of state and
19 local law enforcement officials in their efforts to
20 control misuse and abuse of controlled substances.



1 (b) The department of [~~public safety~~] the attorney general
2 may authorize persons engaged in research on the use and effects
3 of controlled substances to withhold the names and other
4 identifying characteristics of individuals who are the subjects
5 of the research. Persons who obtain this authorization are not
6 compelled in any civil, criminal, administrative, legislative,
7 or other proceeding to identify the individuals who are subjects
8 of research for which the authorization was obtained.

9 (c) The department of [~~public safety~~] the attorney general
10 may authorize the possession and distribution of controlled
11 substances by persons engaged in research. Persons who obtain
12 this authorization are exempt from state prosecution for
13 possession and distribution of controlled substances to the
14 extent of the authorization."

15 SECTION 26. Section 329-59, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

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



H.B. NO. 629

- 1 (1) Offsetting the cost of the electronic prescription
2 accountability system, investigation of violations of
3 this chapter, and the registration and control of the
4 manufacture, distribution, prescription, and
5 dispensation of controlled substances and regulated
6 chemicals listed under section 329-61, within the
7 State;
- 8 (2) Funding positions authorized by the legislature by
9 law; and
- 10 (3) Funding the [~~narcotics enforcement division's~~]
11 forensic drug laboratory facility[~~+~~] of the
12 enforcement division of the department of the attorney
13 general."

14 SECTION 27. Section 329-64, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) Notwithstanding the exceptions created by subsection
17 (a) of this section, any manufacturer, wholesaler, retailer, or
18 other person who sells, transfers, or otherwise distributes in
19 this State any list 1 or list 2 chemical, as defined in section
20 329-61, and who is required to register with the federal Drug
21 Enforcement Administration as a list I chemical distributor



1 under federal law [~~or~~], or who registers as a controlled
2 substance distributor in lieu thereof[+], shall submit a copy of
3 that registration application to the department of [~~public~~
4 ~~safety~~.] the attorney general. When such application is
5 granted, the distributor shall file a copy of the federal Drug
6 Enforcement Administration List I Chemical Registration [~~or~~],
7 or Controlled Substance Registration[+], with the department.
8 The distributor shall also file with the department a duplicate
9 copy of any reports required under federal law at the same time
10 as [~~such~~] the reports are filed with the federal Drug
11 Enforcement Administration for any transactions involving list I
12 chemicals that shall be shipped into or otherwise transferred or
13 distributed in this State."

14 SECTION 28. Section 329-67, Hawaii Revised Statutes, is
15 amended by amending subsections (d) and (e) to read as follows:

16 "(d) Each applicant shall pay at the time of filing an
17 application for a permit a fee determined by the department of
18 public safety in accordance with the [~~department's~~] department
19 of public safety's rules.

20 (e) A permit granted pursuant to this part may be renewed
21 one year from the date of issuance, and annually thereafter,



1 upon the filing of a renewal application and the payment of a
2 permit renewal fee in accordance with the [~~department's~~
3 department of public safety's rules."

4 SECTION 29. Section 329-69, Hawaii Revised Statutes, is
5 amended to read as follows:

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



1 subpoenas may be enforced by the circuit court in the county
2 where the person subpoenaed resides or is found in the same
3 manner as a subpoena issued by the clerk of a circuit court."

4 SECTION 30. Section 329-71, Hawaii Revised Statutes, is
5 amended by amending subsection (a) to read as follows:

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

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



H.B. NO. 629

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

20 (2) Prepare a bill of sale that both describes with
21 particularity the specific items and quantities sold



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

5 (3) Retain the original bill of sale containing the
6 purchaser identification information for at least
7 three years in a readily producible manner, and
8 produce the bill of sale containing the sale
9 information and purchaser identification information
10 upon demand by any law enforcement officer or
11 authorized representative of the department; and

12 (4) Submit a report to the department of [~~public safety~~]
13 the attorney general of all sales covered by this
14 section."

15 SECTION 31. Section 329-75, Hawaii Revised Statutes, is
16 amended by amending subsection (e) to read as follows:

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



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

12 SECTION 32. Section 329-123.5, Hawaii Revised Statutes, is
13 amended as follows:

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

15 "(a) Notwithstanding section 329-123, a qualifying out-of-
16 state patient and a caregiver of a qualifying out-of-state
17 patient shall register with the department of health as
18 established by rule. The registration shall be effective for no
19 more than sixty days and may be renewed for no more than one
20 additional sixty-day period that begins no later than twelve
21 months after the preceding registration date; provided that the



1 department of health shall not register any qualifying out-of-
2 state patient for a period that exceeds the term of validity of
3 the qualifying out-of-state patient's authority to use medical
4 cannabis in the qualifying out-of-state patient's home
5 jurisdiction."

6 2. By amending subsection (d) to read

7 "(d) In the case of any qualifying out-of-state patient
8 who is under eighteen years of age, the department of health
9 shall register the qualifying out-of-state patient and the
10 caregiver of the qualifying out-of-state patient; provided that
11 the department of health may register two caregivers for a
12 qualifying out-of-state patient if each caregiver is the parent,
13 guardian, or person having legal custody of the qualifying out-
14 of-state patient who is under eighteen years of age."

15 SECTION 33. Section 334D-5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§334D-5 Records.** (a) All records of a nurse
18 participating in a diversion program that are not required by
19 law to be reported to the board or the regulated industries
20 complaints office and do not involve disciplinary action by
21 those entities shall be privileged and shall not be subject to



1 discovery or subpoena by any person or entity other than a law
2 enforcement agency investigating the conduct of the nurse, the
3 board, or the regulated industries complaints office.

4 (b) For purposes of this section:

5 "Law enforcement agency" means any county police
6 department, the department of [~~public safety,~~] the attorney
7 general, and any federal, state, or county public body that
8 employs law enforcement officers.

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

15 SECTION 34. Section 350-1.1, Hawaii Revised Statutes, is
16 amended as follows:

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

18 "(a) Notwithstanding any other state law concerning
19 confidentiality to the contrary, the following persons who, in
20 their professional or official capacity, have reason to believe
21 that child abuse or neglect has occurred or that there exists a



1 substantial risk that child abuse or neglect may occur in the
2 reasonably foreseeable future, shall immediately report the
3 matter orally to the department or to the police department:

4 (1) Any licensed or registered professional of the healing
5 arts or any health-related occupation who examines,
6 attends, treats, or provides other professional or
7 specialized services, including but not limited to
8 physicians, including physicians in training,
9 psychologists, dentists, nurses, osteopathic
10 physicians and surgeons, optometrists, chiropractors,
11 podiatrists, pharmacists, and other health-related
12 professionals;

13 (2) Employees or officers of any public or private school;

14 (3) Employees or officers of any public or private agency
15 or institution, or other individuals, providing
16 social, medical, hospital, or mental health services,
17 including financial assistance;

18 (4) Employees or officers of any law enforcement agency,
19 including but not limited to the courts, police
20 departments, department of [~~public safety,~~] the



1 attorney general, correctional institutions, and
2 parole or probation offices;

3 (5) Individual providers of child care, or employees or
4 officers of any licensed or registered child care
5 facility, foster home, or similar institution;

6 (6) Medical examiners or coroners;

7 (7) Employees of any public or private agency providing
8 recreational or sports activities;

9 (8) Commercial film and photographic print or image
10 processors;

11 (9) Commercial computer technicians; and

12 (10) Members of the clergy or custodians of records
13 therefor; provided that a member of the clergy shall
14 not be required to report information gained solely
15 during a penitential communication. When a clergy
16 member receives reportable information from any other
17 source, the clergy member shall comply with the
18 reporting requirements of this section, regardless of
19 whether the clergy member received the same
20 information during a penitential communication. For
21 purposes of this paragraph, "penitential



1 communication" means a communication, including a
 2 sacramental confession, that is intended to be kept
 3 confidential and is made to a member of the clergy
 4 who, in the course of the discipline or practice of
 5 the applicable religious organization, is authorized
 6 or accustomed to hear those communications, and under
 7 the discipline, tenets, customs, or practices of the
 8 applicable religious organization, has a duty to keep
 9 those communications secret."

10 2. By amending subsection (c) to read:

11 "(c) The initial oral report shall be followed as soon as
 12 possible by a report in writing to the department; provided
 13 that:

14 (1) If a police department or the department of [~~public~~
 15 ~~safety~~] the attorney general is the initiating agency,
 16 a written report shall be filed with the department
 17 for cases that the police or the department of [~~public~~
 18 ~~safety~~] the attorney general takes further action on
 19 or for active cases in the department under this
 20 chapter;



1 (2) All written reports shall contain the name and address
 2 of the child and the child's parents or other persons
 3 responsible for the child's care, if known, the
 4 child's age, the nature and extent of the child's
 5 injuries, and any other information that the reporter
 6 believes might be helpful or relevant to the
 7 investigation of the child abuse or neglect; and

8 (3) This subsection shall not be construed to serve as a
 9 cause of action against the department, the police, or
 10 the department of [~~public safety.~~] the attorney
 11 general."

12 SECTION 35. Section 353C-2, Hawaii Revised Statutes, is
 13 amended by amending subsection (a) to read as follows:

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



H.B. NO. 629

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

7 "~~[(f)]~~**\$353C-3[(f)] 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 37. 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 38. Section 386-181, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§386-181 Generally.** (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



H.B. NO. 629

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
2 officer" means a member of the authorized volunteer enforcement
3 force of the [~~division of conservation and resources~~
4 ~~enforcement, department of land and natural resources,~~]
5 department of the attorney general who performs services in a
6 voluntary and unpaid capacity under the authorized direction of
7 an officer of the 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 (c) In computing the average weekly wages of an injured
6 public board member, reserve police officer, police chaplain,
7 sheriffs' chaplain, volunteer firefighter, volunteer boating
8 enforcement officer, or volunteer [~~conservation and resources~~]
9 enforcement officer:

10 (1) The person's income from self-employment shall be
11 considered wages;

12 (2) The person shall, in no event, be considered to have
13 earned less than the minimum hourly wage prescribed in
14 chapter 387;

15 (3) Wages of other employees in comparable employment
16 shall not be considered; and

17 (4) All provisions of section 386-51 not inconsistent with
18 this section shall apply; provided that section 386-
19 51(5) shall not apply."

20 SECTION 39. Section 501-154, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§501-154 Writ of possession, service, time limit for
2 **registration.** When in any action in the nature of an action of
3 ejectment an execution or writ of possession has been issued and
4 served by the [~~officer, the officer~~] sheriff, deputy sheriff,
5 police officer, or independent civil process server from the
6 department of the attorney general's list under section 28-E,
7 the sheriff, deputy sheriff, police officer, or independent
8 civil process server shall cause a copy of the writ, with a
9 return of the [~~officer's~~] doings of the sheriff, deputy sheriff,
10 police officer, or independent civil process server thereon, to
11 be filed and registered within three months after the service
12 and before the return of the writ into the clerk's office. The
13 plaintiff, in case the judgment was that the plaintiff was
14 entitled to an estate in fee simple in the demanded premises, or
15 in any part thereof, and for which execution or writ of
16 possession issued, is thereupon entitled to the entry of a new
17 certificate of title."

18 SECTION 40. Section 587A-4, Hawaii Revised Statutes, is
19 amended by amending the definition of "police officer" to read
20 as follows:



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

7 SECTION 41. Section 603-29, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§603-29 Order to show cause.** Whenever a complaint has
10 been filed in circuit court alleging leased or rented personal
11 property the value of which is \$5,000 or more, has been retained
12 by the defendant fourteen days after the termination of the
13 lease or rental contract, either by passage of time or by reason
14 of any default under the terms and conditions of the lease or
15 rental contract, the plaintiff may petition the court for an
16 order to show cause.

17 Upon the filing of the petition with a copy of the lease or
18 rental contract and an affidavit sworn to by the plaintiff or
19 some competent affiant setting forth a statement of facts
20 sufficient to show the termination of the lease or rental
21 contract, the court may issue an order directing the defendant



1 to either return the leased or rented personal property to the
2 plaintiff or to appear and show cause for the possession at such
3 time as the court shall direct but ~~[not]~~ no later than ten days
4 from the date of service of the order to show cause. The order
5 to show cause shall also provide that if the leased or rented
6 personal property is not returned to the plaintiff ~~[prior to]~~
7 before the hearing, the defendant shall, if reasonably feasible,
8 produce the property at the hearing. If, at the hearing, it is
9 proved to the satisfaction of the court that the plaintiff is
10 entitled to possession of the leased or rented personal
11 property, it shall issue an order directed to the sheriff,
12 deputy sheriff, ~~[or person authorized by the rules of court,]~~
13 police officer, or independent civil process server from the
14 department of the attorney general's list under section 28-E
15 commanding the sheriff, deputy sheriff, ~~[or other person~~
16 ~~authorized by the rules of court]~~ police officer, or independent
17 civil process server to seize the personal property therein
18 described and to deliver the same to the plaintiff or the
19 plaintiff's agent. Service of the order to show cause shall be
20 as provided by law or rule of court for cases in the circuit



1 courts, or by registered mail or by certified mail with return
2 receipt showing delivery within the circuit."

3 SECTION 42. Section 604-6.2, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§604-6.2 Order to show cause.** Upon the filing of a
6 complaint with a copy of a lease or rental contract and an
7 affidavit sworn to by the plaintiff or some competent affiant
8 setting forth a statement of facts sufficient to show that the
9 leased or rented personal property has been in the defendant's
10 possession at least fourteen days after the termination of the
11 lease or rental contract, either by passage of time or by reason
12 of any default under the terms and conditions of the lease or
13 rental contract, the court may issue an order directing the
14 defendant to either return the leased or rented personal
15 property to the plaintiff or to appear and show cause for the
16 possession at such time as the court shall direct, but ~~[not]~~ no
17 later than ten days from the date of service of the order to
18 show cause. The order to show cause shall also provide that, if
19 the leased or rented personal property is not returned to the
20 plaintiff ~~[prior to]~~ before the hearing, the defendant shall, if
21 reasonably feasible, produce the property at the hearing. If,



1 at the hearing, it is proved to the satisfaction of the court
 2 that the plaintiff is entitled to possession of the leased or
 3 rented personal property, it shall issue an order directed to
 4 the sheriff, deputy sheriff, [~~or other person authorized by the~~
 5 ~~rules of court~~] police officer, or independent civil process
 6 server from the department of the attorney general's list under
 7 section 28-E commanding the sheriff, deputy sheriff, [~~or a~~
 8 ~~person authorized by the rules of court~~] police officer, or
 9 independent civil process server to seize the personal property
 10 therein described and to deliver the same to the plaintiff or
 11 the plaintiff's agent. Service of the order to show cause shall
 12 be as provided by law or rule of court for cases in the district
 13 courts, or by registered mail or by certified mail with return
 14 receipt showing delivery within the State."

15 SECTION 43. Section 607-4, Hawaii Revised Statutes, is
 16 amended by amending subsection (d) to read as follows:

17 "(d) Fees of sheriff, deputy sheriff, police officer, or
 18 [~~other person authorized by the rules of court~~] independent
 19 civil process server from the department of the attorney
 20 general's list under section 28-E shall be as provided under
 21 section 607-8(a)."



1 SECTION 44. Section 607-8, Hawaii Revised Statutes, is
2 amended by amending its title and subsection (a) to read as
3 follows:

4 "§607-8 Fees of sheriff, deputy sheriff, police officer,
5 servicing or levying officer, or [other person authorized by the
6 rules of court in circuit court, intermediate appellate court,
7 or supreme court.] independent civil process server. (a) For
8 all necessary travel in making the service, per mile for every
9 mile more than one... 60 cents; provided that:

10 (1) No allowance shall be made where the servicing
11 individual uses a conveyance furnished to the servicing
12 individual by the State, or any political or municipal
13 subdivision thereof;

14 (2) Where the servicing individual serves more than one
15 person in the course of one trip, the servicing
16 individual shall not charge, in the aggregate for all
17 services more than the mileage for the entire trip;
18 and

19 (3) As far as practicable, in order to minimize the
20 mileage fees for the service, the sheriff or [~~other~~]
21 chief of police of the servicing police officers, or



1 ~~[other person authorized by the rules of court where~~
2 ~~service of process is to be made upon an island other~~
3 ~~than that upon which is situated the court issuing the~~
4 ~~process,]~~ independent civil process server from the
5 department of the attorney general's list under
6 section 28-E shall cause the process to be transmitted
7 to the sheriff, a deputy sheriff, the chief of police,
8 ~~[other person authorized by the rules of court, or~~
9 ~~other serving individual]~~ a police officer, or an
10 independent civil process server upon the island of
11 service who shall make the service upon receipt of the
12 process; and the service shall be valid,
13 notwithstanding that the process may not be addressed
14 to the individual actually making the service or to
15 the individual's superior.

16 For serving criminal summons or any other criminal process
17 except a subpoena, for each person served
18 therewith..... \$30 effective July 1, 2001.
19 Service of criminal summons or any other criminal process shall
20 be made only by persons authorized to serve criminal summons [~~in~~
21 ~~accordance with rules of court]~~].



1 For serving civil summons, subpoena, subpoena duces
 2 tecum, or any other civil process, except a garnishee
 3 summons, for each person served therewith.....
 4 \$43 effective July 1, 2015.

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

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

10 For serving any execution or other process for the
 11 collection of money, for every dollar collected up to
 12 \$10,000..... 5 cents.

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

14 All fees paid to any printer for publishing an
 15 advertisement of the sale of any property.

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

17 For executing and acknowledging a deed pursuant to a
 18 sale of real estate to be paid by the grantee in the
 19 deed..... \$10.

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



H.B. NO. 629

1 For serving writ of possession or restitution,
 2 putting any person entitled into the possession of
 3 premises, and removing a tenant pursuant to order of
 4 court..... \$40.

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

7 For selling any property on an order from the court other
 8 than an execution, the same allowance as for service and sales
 9 by execution.

10 The fees for service of executions, attachments, and
 11 collection of judgments, together with all costs incurred after
 12 judgment rendered, not included in the judgment, in all courts
 13 of the State, shall be collected in addition to the sum directed
 14 to be levied and collected in the writ.

15 In lieu of any fee under this subsection, the fee may be an
 16 hourly rate of [~~not~~] no less than \$50 per hour agreed upon in
 17 advance between the party requesting the service and the
 18 sheriff, deputy sheriff, police officer, or [~~other person~~
 19 ~~authorized by the rules of court~~] independent civil process
 20 server performing the service."



1 SECTION 45. Section 633-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§633-8 Order to show cause.** Upon the filing of a
4 complaint with a copy of a lease or rental contract and an
5 affidavit sworn to by the plaintiff or some competent affiant
6 setting forth a statement of facts sufficient to show that the
7 leased or rented personal property has been in the defendant's
8 possession at least fourteen days after the termination of the
9 lease or rental contract, either by passage of time or by reason
10 of any default under the terms and conditions of the lease or
11 rental contract, the court may issue an order directing the
12 defendant to either return the leased or rented personal
13 property to the plaintiff or to appear and show cause for the
14 possession at such time as the court shall direct, but ~~not~~ no
15 later than five days from the date of service of the order to
16 show cause. The order to show cause shall also provide that, if
17 the leased or rented personal property is not returned to the
18 plaintiff ~~[prior to]~~ before the hearing, the defendant shall, if
19 reasonably feasible, produce the property at the hearing. If,
20 at the hearing, it is proved to the satisfaction of the court
21 that the plaintiff is entitled to possession of the leased or



1 rented personal property, it shall issue an order directed to
2 the sheriff, deputy sheriff, [~~or other person authorized by the~~
3 ~~rules of court~~] police officer, or independent civil process
4 server from the department of the attorney general's list under
5 section 28-E commanding the sheriff, deputy sheriff, [~~or other~~
6 ~~person authorized by the rules of court~~] police officer, or
7 independent civil process server to seize the personal property
8 therein described and to deliver the same to the plaintiff or
9 the plaintiff's agent. Service of the order to show cause shall
10 be as provided by law or rule of court for cases in the district
11 courts, or by registered mail or by certified mail with return
12 receipt showing delivery within the circuit."

13 SECTION 46. Section 634-11, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§634-11 Interpleader; application for order by sheriff**
16 **[~~or other person authorized by the rules of court.~~], deputy**
17 **sheriff, police officer, or independent civil process server.**

18 When, in the execution of process against goods and chattels
19 issued by or under the authority of the courts of the State, by
20 reason of claims made to such goods and chattels by assignees of
21 bankrupts and other persons not being the parties against whom



1 such process had issued, whereby the sheriff, deputy sheriffs,
2 [~~either~~] police officers, or [~~persons authorized by the rules of~~
3 ~~court~~] independent civil process servers from the department of
4 the attorney general's list under section 28-E are exposed to
5 the hazard and expense of actions, any such claim shall be made
6 to any goods or chattels taken or intended to be taken in
7 execution under any such process or to the proceeds or value
8 thereof, it shall be lawful for the court, out of which the
9 execution shall have issued, or any judge thereof, upon
10 application of the sheriff, deputy sheriff, [~~either~~] police
11 officer, or [~~either person authorized by the rules of court,~~]
12 independent civil process server made before or after the return
13 of such process, and as well before as after any action brought
14 against the sheriff, deputy sheriff, [~~either~~] police officer, or
15 [~~either person authorized by the rules of court,~~] independent
16 civil process server to call before it or the judge by rule,
17 order, or summons, as well the party issuing such process as the
18 party making the claim. Thereupon the court or judge shall, for
19 the adjustment of the claims and the relief and protection of
20 the sheriff, deputy sheriff, [~~either~~] police officer, or [~~either~~
21 ~~person authorized by the rules of court,~~] independent civil



1 process server, make such rules, orders, and decisions as shall
 2 appear to be just according to the circumstances of the case.
 3 The costs of all such proceedings shall be in the discretion of
 4 the court or judge."

5 SECTION 47. Section 634-12, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§634-12 Sale of property seized on execution, when.** When
 8 goods or chattels have been seized in execution by the sheriff,
 9 a deputy sheriff, [~~other~~] a police officer, or [~~other person~~
 10 ~~authorized by the rules of court,~~] an independent civil process
 11 server from the department of the attorney general's list under
 12 section 28-E under process of any court, and some third person
 13 claims to be entitled under a bill of sale, chattel mortgage, or
 14 otherwise, to the goods and chattels by way of security for a
 15 debt, the court or a judge may order a sale of the whole or part
 16 thereof, upon such terms as to the payment of the whole or part
 17 of the secured debt or otherwise as it or the judge shall think
 18 fit; and may direct the application of the proceeds of sale in
 19 such manner and upon such terms as to the court or judge may
 20 seem just."



1 SECTION 48. Section 634-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§634-22 Return.** In all cases where any process or order
4 of a court is served by any officer of the court or of the
5 police force or the sheriff, a deputy sheriff, an independent
6 civil process server from the department of the attorney
7 general's list under section 28-E, or any investigator appointed
8 and commissioned by the director of commerce and consumer
9 affairs pursuant to section 26-9(j), a record thereof shall be
10 endorsed upon the back of the process, complaint, order, or
11 citation. The record shall state the name of the person served
12 and the time and place of service and shall be signed by the
13 sheriff, deputy sheriff, police officer, independent civil
14 process server, or investigator making the service. If the
15 sheriff, deputy sheriff, police officer, independent civil
16 process server, or investigator fails to make service, the
17 sheriff, deputy sheriff, police officer, independent civil
18 process server, or investigator, in like manner, shall endorse
19 the reason for the [~~officer's~~] sheriff's, deputy sheriff's,
20 police officer's, independent civil process server's, or
21 investigator's failure and sign this record. When service is



1 made by a person specially appointed by the court, or [~~a person~~
2 ~~authorized by the rules of court, the person~~] an independent
3 civil process server, that person shall make declaration or
4 affidavit of that service.

5 The record, declaration, or [~~the~~] affidavit shall be prima
6 facie evidence of all it contains, and no further proof thereof
7 shall be required unless either party desires to examine the
8 sheriff, deputy sheriff, police officer [~~or person~~], independent
9 civil process server, or investigator making service, in which
10 case the sheriff, deputy sheriff, police officer [~~or person~~],
11 independent civil process server, or investigator shall be
12 notified to appear for examination."

13 SECTION 49. Section 634-29, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§634-29 In case of attachment, etc., of real property.**

16 In all cases of attachment, sequestration, or injunction of real
17 property, the sheriff, deputy sheriff, police officer, or
18 independent civil process server from the department of the
19 attorney general's list under section 28-E serving the writ
20 shall, in addition to personal delivery of a copy thereof to the
21 defendant, post upon the premises a copy of the process, and a



1 notice of the day and hour when attached, sequestered, or
 2 enjoined, and shall also give notice thereof in a newspaper or
 3 newspapers suitable for the advertisement of judicial
 4 proceedings. But in all cases where a writ of attachment is
 5 issued in accordance with chapter 651 relating to attachments,
 6 and the defendant in attachment was never a resident of the
 7 State or has departed from the State or secretes oneself so that
 8 the writ of attachment cannot be personally served upon the
 9 defendant, personal service of the writ upon the defendant may
 10 be dispensed with. All after-leases, mortgages, sales, devises,
 11 assignments, trusts, or other conveyances of the property, until
 12 the dissolution of the process, shall be void in law as against
 13 the plaintiff in such cases."

14 SECTION 50. Section 651-1, Hawaii Revised Statutes, is
 15 amended to read as follows:

16 "**§651-1 General provisions.** (a) This chapter shall apply
 17 to circuit and district courts. A judge of any court of record
 18 may make any order at chambers which may by the provisions of
 19 this chapter be made by the court in term time. When the
 20 proceedings are before a district judge, the judge shall be
 21 regarded as the clerk of the court for all purposes contemplated



1 herein. [~~The phrase "police officer", as used in this chapter,~~
2 ~~means the director of public safety or the director's duly~~
3 ~~authorized representative, any chief of police or subordinate~~
4 ~~police officer, or a person authorized by the rules of court.]~~

5 Nothing in this chapter shall be construed to permit a district
6 judge to issue a writ of attachment to be served out of the
7 circuit in which the judge's court is situated, or to permit an
8 attachment of real estate, or any interest therein, under a writ
9 issued by a district court judge.

10 (b) The department of the attorney general, State, and
11 agencies, officers, and employees of the department of the
12 attorney general or State shall not be responsible or liable for
13 the actions of any independent civil process server on the list
14 maintained by the department of the attorney general pursuant to
15 section 28-E. The maintenance of the list pursuant to section
16 28-E shall not create a private cause of action against the
17 department of the attorney general, State, or agencies,
18 officers, and employees of the department of the attorney
19 general or State.

20 (c) Nothing in this chapter shall be construed to make an
21 independent civil process server a law enforcement officer,



1 sheriff, or deputy sheriff, or an employee or agent of the
2 department of the attorney general or the State.

3 (d) For the purposes of this chapter, "police officer"
4 means the attorney general or the attorney general's duly
5 authorized representative, any chief of police or subordinate
6 police officer, or an independent civil process server on the
7 list maintained by the department of the attorney general
8 pursuant to section 28-E."

9 SECTION 51. Section 652-1.5, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Except as provided in subsection (e), any creditor
12 desiring to secure a garnishment process before judgment shall
13 attach the creditor's petition for process, summons, and
14 direction to the following documents:

15 (1) An application, directed to the court to which such
16 action is made returnable, for garnishee process to
17 issue under section 652-1(a);

18 (2) An affidavit sworn to by the creditor or some
19 competent affiant setting forth a statement of facts
20 sufficient to show that probable validity exists to
21 sustain the validity of the creditor's claim;



1 (3) An order that a hearing be held before the court or a
2 judge thereof to determine whether or not the
3 garnishee process should be granted and that notice of
4 such hearing be given to the defendant debtor;
5 [+]and[+]

6 (4) A summons directed to [~~a proper officer~~] the sheriff,
7 a deputy sheriff, a police officer, or an independent
8 civil process server from the department of the
9 attorney general's list under section 28-E commanding
10 the [~~officer~~] sheriff, deputy sheriff, police officer,
11 or independent civil process server to serve upon the
12 debtor at least four days [~~prior to~~] before the date
13 of the hearing, pursuant to chapter 634, the
14 application[~~τ~~]; a true and attested copy of the
15 petition, summons, and direction[~~τ~~]; the affidavit[~~τ~~];
16 and the order and notice of hearing."

17 SECTION 52. Section 652-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§652-2 Garnishee, rights, duties; collection by [~~levying~~**
20 **~~officer.~~]** sheriff, deputy sheriff, police officer, or
21 independent civil process server. (a) The garnishee shall,



1 when summoned before judgment rendered against [~~his~~] the
 2 garnishee's principal, if [~~he~~] the garnishee desires, be
 3 admitted to defend [~~his~~] the garnishee's principal in the
 4 action.

5 **(b)** If judgment is rendered in favor of the plaintiff, and
 6 likewise in all cases in which the garnishee is summoned after
 7 judgment, the garnishee fund, or such part thereof as may be
 8 sufficient for that purpose, shall be liable to pay the same.
 9 The plaintiff on praying out execution shall be entitled to have
 10 included in the execution an order directing the sheriff, deputy
 11 sheriff, police officer, or independent civil process server
 12 from the department of the attorney general's list under section
 13 28-E serving the same to make demand of the garnishee for the
 14 goods and effects of the defendant secured in [~~his~~] the
 15 garnishee's hands, whose duty it will be to expose the same to
 16 be taken on execution, and also to make demand of the garnishee
 17 for the debt or wages secured in [~~his~~] the garnishee's hands or
 18 the moneys held by [~~him~~] the garnishee for safekeeping, or such
 19 part thereof as may satisfy the judgment. It shall be the duty
 20 of the garnishee to pay the same. If the garnishee has in any
 21 manner disposed of the goods and effects or does not expose and



1 subject the same to be taken on execution, or if the garnishee
2 does not pay to the [~~officer,~~] sheriff, deputy sheriff, police
3 officer, or independent civil process server when demanded, the
4 debt or wages or moneys held for safekeeping, the garnishee
5 shall be liable to satisfy the judgment out of [~~his~~] the
6 garnishee's own estate, as [~~his~~] the garnishee's own proper
7 debt, if the goods or effects or debt or wages or moneys held
8 for safekeeping, be of sufficient value or amount and, if not,
9 then to the value of the same; provided that every garnishee,
10 whether summoned before or after judgment, shall be allowed to
11 retain or deduct from the goods, effects, and credits of the
12 defendant in [~~his~~] the garnishee's hands at the time of service
13 all demands against the defendant of which [~~he~~] the garnishee
14 could have availed [~~himself~~] the garnishee's self if [~~he~~] the
15 garnishee had not been [~~garnisheed,~~] garnished, whether the same
16 are at the time due or not, and whether by setoff on a trial or
17 by setoff of judgments or executions between [~~himself~~] the
18 garnishee and the defendant, and shall be liable only for the
19 balance after adjustment of all mutual demands between [~~himself~~]
20 the garnishee and the defendant; provided further that in such
21 adjustment no demands for unliquidated damages for wrongs or



1 injuries shall be included, and that the judgment shall show the
2 amount of any setoff.

3 (c) No garnishee shall be liable to anyone for the
4 nonpayment of any sum or for the nondelivery of any goods or
5 effects when the garnishee in good faith believes, or has reason
6 to believe, that garnishment or other process affects the same,
7 though such be not the case, but this [~~paragraph~~] subsection
8 shall not supersede section 652-9 where the same are
9 applicable."

10 SECTION 53. Section 652-2.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§652-2.5 Service on garnishee.** Service of the copy upon
13 the garnishee may be made in any of the manners here described,
14 namely:

15 (1) If the garnishee lives or has an office in the
16 district in which process is issued, by the [~~servicing~~
17 ~~officer's~~] sheriff, deputy sheriff, police officer, or
18 independent civil process server from the department
19 of the attorney general's list under section 28-E
20 handing a copy to the garnishee in person or leaving
21 it in the garnishee's office in charge of some deputy



1 or clerk or other employees or attache of the office;

2 or

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

11 SECTION 54. Section 652-2.6, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) In case of service upon the garnishee, the [~~servicing~~
14 ~~officer's~~] certificate of service or, if by mail, a copy of the
15 return receipt provided by the sheriff, deputy sheriff, police
16 officer, or independent civil process server from the department
17 of the attorney general's list under section 28-E shall be prima
18 facie proof of the service."

19 SECTION 55. Section 654-2, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§654-2 Bond. (a) When the plaintiff desires the
2 immediate delivery of the property, the plaintiff shall execute
3 a bond to the defendant in possession of the property, and to
4 all persons having an interest in the property, of such amount
5 and with such sureties as are approved by the court, conditioned
6 that the plaintiff will prosecute the plaintiff's action to
7 judgment without delay, and deliver the property to the
8 defendant in possession or any other person, if such delivery is
9 adjudged, and pay all costs and damages that may be adjudged
10 against the plaintiff. Upon the filing of the verified
11 complaint or affidavit with the bond and a motion for immediate
12 consideration of the matter, the court shall forthwith inquire
13 into the matter, ex parte or otherwise, as in its discretion it
14 determines. If thereupon the court finds that a prima facie
15 claim for relief has been established, it shall issue an order
16 directed to the sheriff, [~~or the~~] sheriff's deputy, [~~or the~~]
17 chief of police, [~~or~~] an authorized police officer of any
18 county, [~~or a person authorized by the rules of court,~~] or an
19 independent civil process server from the department of the
20 attorney general's list under section 28-E to take the property
21 therein described and deliver the same to the plaintiff.



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

15 (c) Upon the application of any party, the proceeding shall
16 be advanced and assigned for hearing at the earliest possible
17 date."

18 SECTION 56. Section 666-11, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§666-11 Judgment; writ of possession.** If it is proved to
21 the satisfaction of the court that the plaintiff is entitled to



1 the possession of the premises, the plaintiff shall have
2 judgment for possession, and for the plaintiff's costs.
3 Execution shall issue accordingly. The writ of possession shall
4 issue to the sheriff, deputy sheriff, police officer, or [~~other~~
5 ~~person authorized by the rules of court of the circuit where the~~
6 ~~premises are situated,~~] independent civil process server from
7 the department of the attorney general's list under section 28-E
8 commanding the sheriff, deputy sheriff, police officer, or
9 [~~other person authorized by the rules of court~~] independent
10 civil process server to remove all persons from the premises,
11 and to put the plaintiff, or the plaintiff's agent, into the
12 full possession thereof."

13 SECTION 57. Section 666-21, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) If the tenant is unable to comply with the court's
16 order under subsection (a) in paying the required amount of rent
17 to the court, the landlord shall have judgment for possession
18 and execution shall issue accordingly. The writ of possession
19 shall issue to the sheriff, deputy sheriff, police officer, or
20 [~~other person authorized by the rules of court of the circuit~~
21 ~~where the premises are situated,~~] independent civil process



1 server from the department of the attorney general's list under
 2 section 28-E ordering the sheriff, deputy sheriff, police
 3 officer, or [~~other person authorized by the rules of court~~]
 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 58. 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 59. 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 60. 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;



- 1 (6) The county liquor commissions on applicants for liquor
2 licenses as provided by section 281-53.5;
- 3 (7) The county liquor commissions on employees and
4 prospective employees involved in liquor
5 administration, law enforcement, and liquor control
6 investigations;
- 7 (8) The department of human services on operators and
8 employees of child caring institutions, child placing
9 organizations, and foster boarding homes as provided
10 by section 346-17;
- 11 (9) The department of human services on prospective
12 adoptive parents as established under section
13 346-19.7;
- 14 (10) The department of human services or its designee on
15 applicants to operate child care facilities, household
16 members of the applicant, prospective employees of the
17 applicant, and new employees and household members of
18 the provider after registration or licensure as
19 provided by section 346-154, and persons subject to
20 section 346-152.5;



H.B. NO. 629

- 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;



H.B. NO. 629

- 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



- 1 (D) Current or prospective volunteers, providers, or
2 contractors,
3 in any of the corporation's health facilities as
4 provided by section 323F-5.5;
- 5 (31) The department of commerce and consumer affairs on:
6 (A) An applicant for a mortgage loan originator
7 license, or license renewal; and
8 (B) Each control person, executive officer, director,
9 general partner, and managing member of an
10 applicant for a mortgage loan originator company
11 license or license renewal,
12 as provided by chapter 454F;
- 13 (32) The state public charter school commission or public
14 charter schools on employees, teacher trainees,
15 prospective employees, and prospective teacher
16 trainees in any public charter school for any position
17 that places them in close proximity to children, as
18 provided in section 302D-33;
- 19 (33) The counties on prospective employees who work with
20 children, vulnerable adults, or senior citizens in
21 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 61. Section 353C-6, Hawaii Revised Statutes, is
7 repealed.

8 [~~["§353C-6] Parking fees, exemption. Notwithstanding any~~
9 ~~other law, rule, or provision to the contrary, special service~~
10 ~~deputies of the department of public safety are exempt from all~~
11 ~~state and county parking meter fees and county time parking~~
12 ~~restrictions while in the performance of their official duties,~~
13 ~~including attendance at court; provided that this exemption~~
14 ~~shall:~~

- 15 (1) ~~Apply exclusively to state owned law enforcement~~
16 ~~vehicles assigned to the department of public safety;~~
17 ~~and~~
18 (2) ~~Not apply to private individuals retained by the~~
19 ~~department on a contractual basis to serve civil~~
20 ~~process in any capacity."]~~

21 PART II



1 SECTION 62. All rights, powers, functions, and duties of
2 the department of land and natural resources relating to
3 conservation and resources enforcement are transferred to the
4 department of the attorney general.

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

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

19 An officer or employee of the State who does not have
20 tenure and who may be transferred or appointed to a civil
21 service position as a consequence of this Act shall become a



1 civil service employee without the loss of salary, seniority,
2 prior service credit, vacation, sick leave, or other employee
3 benefits or privileges and without the necessity of examination;
4 provided that such officer or employee possesses the minimum
5 qualifications for the position to which transferred or
6 appointed.

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

15 SECTION 63. All rules, policies, procedures, guidelines,
16 and other material adopted or developed by the department of
17 land and natural resources to implement provisions of the Hawaii
18 Revised Statutes that are reenacted or made applicable to the
19 department of the attorney general by this Act, shall remain in
20 full force and effect until amended or repealed by the
21 department of the attorney general pursuant to chapter 91,



1 Hawaii Revised Statutes. In the interim, every reference to the
2 department of land and natural resources or the board of land
3 and natural resources in those rules, policies, procedures,
4 guidelines, and other material is amended to refer to the
5 department of the attorney general or the attorney general, as
6 appropriate.

7 SECTION 64. All deeds, leases, contracts, loans,
8 agreements, permits, or other documents executed or entered into
9 by or on behalf of the department of land and natural resources,
10 pursuant to the provisions of the Hawaii Revised Statutes, that
11 are reenacted or made applicable to the department of the
12 attorney general by this Act, shall remain in full force and
13 effect. Upon the effective date of this Act, every reference to
14 the department of land and natural resources or the board of
15 land and natural resources in those deeds, leases, contracts,
16 loans, agreements, permits, or other documents shall be
17 construed as a reference to the department of the attorney
18 general or the attorney general, as appropriate.

19 SECTION 65. All appropriations, records, equipment,
20 machines, files, supplies, contracts, books, papers, documents,
21 maps, and other personal property heretofore made, used,



1 acquired, or held by the department of land and natural
 2 resources relating to the functions transferred to the
 3 department of the attorney general shall be transferred with the
 4 functions to which they relate.

PART III

6 SECTION 66. All rights, powers, functions, and duties of
 7 the department of public safety relating to state law
 8 enforcement officers and narcotics enforcement investigators in
 9 the narcotics enforcement division are transferred to the
 10 department of the attorney general.

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

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



1 transferred or appointed; provided further that subsequent
2 changes in status may be made pursuant to applicable civil
3 service and compensation laws.

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

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



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

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



1 other documents shall be construed as a reference to the
2 department of the attorney general or the attorney general, as
3 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 public safety relating to
8 the functions transferred to the department of the attorney
9 general shall be transferred with the functions to which they
10 relate.

11 PART IV

12 SECTION 70. All rights, powers, functions, and duties of
13 the department of transportation relating to the harbors
14 division are transferred to the department of the attorney
15 general.

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

20 No officer or employee of the State having tenure shall
21 suffer any loss of salary, seniority, prior service credit,



1 vacation, sick leave, or other employee benefit or privilege as
2 a consequence of this Act, and such officer or employee may be
3 transferred or appointed to a civil service position without the
4 necessity of examination; provided that the officer or employee
5 possesses the minimum qualifications for the position to which
6 transferred or appointed; provided further that subsequent
7 changes in status may be made pursuant to applicable civil
8 service and compensation laws.

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

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification



1 and shall be transferred to some other office or position for
2 which the officer or employee is eligible under the personnel
3 laws of the State as determined by the head of the department or
4 the governor.

5 SECTION 71. All rules, policies, procedures, guidelines,
6 and other material adopted or developed by the department of
7 transportation to implement provisions of the Hawaii Revised
8 Statutes that are reenacted or made applicable to the department
9 of the attorney general by this Act, shall remain in full force
10 and effect until amended or repealed by the department of the
11 attorney general pursuant to chapter 91, Hawaii Revised
12 Statutes. In the interim, every reference to the department of
13 transportation or director of transportation in those rules,
14 policies, procedures, guidelines, and other material is amended
15 to refer to the department of the attorney general or attorney
16 general, as appropriate.

17 SECTION 72. All deeds, leases, contracts, loans,
18 agreements, permits, or other documents executed or entered into
19 by or on behalf of the department of transportation, pursuant to
20 the provisions of the Hawaii Revised Statutes, that are
21 reenacted or made applicable to the department of the attorney



1 general by this Act, shall remain in full force and effect.
2 Upon the effective date of this Act, every reference to the
3 department of transportation or the director of transportation
4 in those deeds, leases, contracts, loans, agreements, permits,
5 or other documents shall be construed as a reference to the
6 department of the attorney general or the attorney general, as
7 appropriate.

8 SECTION 73. All appropriations, records, equipment,
9 machines, files, supplies, contracts, books, papers, documents,
10 maps, and other personal property heretofore made, used,
11 acquired, or held by the department of transportation relating
12 to the functions transferred to the department of the attorney
13 general shall be transferred with the functions to which they
14 relate.

15 PART V

16 SECTION 74. In codifying the new sections added by section
17 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 75. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.

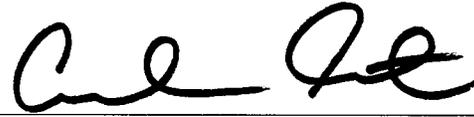


H.B. NO. 629

1 SECTION 76. This Act shall take effect on July 1, 2022.

2

INTRODUCED BY:



JAN 22 2021



H.B. NO. 629

Report Title:

Law Enforcement; Attorney General; DLNR; PSD; DOT; Judiciary;
Service of Process

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. Specifies the persons authorized to serve civil legal process. Mandates the attorney general to maintain a list of independent civil process servers. Shields the State and the department of the attorney general from liability arising from the acts of independent civil process servers. Effective 7/1/2022.

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

