

A BILL FOR AN ACT

RELATING TO THE LAW ENFORCEMENT OFFICERS SAFETY ACT.

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

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

"§28- Issuance of certifications pursuant to the Federal Law Enforcement Officers Safety Act, as amended. The attorney general may issue firearm qualification certifications to qualified retired law enforcement officers, in conformity with the federal Law Enforcement Officers Safety Act, as codified at title 18 United States Code section 926C. The attorney general may adopt, amend, and repeal rules concerning the issuance of firearm qualification certifications. The rules shall be exempt from the public notice and public hearing requirements of chapter 91."

SECTION 2. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

INTRODUCED BY: 

BY REQUEST
JAN 25 2021

H.B. NO. 890

Report Title:

The Law Enforcement Officers Safety Act; Department of the Attorney General

Description:

Establishes within the department of the attorney general a program for issuance of firearm qualification certifications to qualified retired law enforcement officers pursuant to the federal Law Enforcement Officers Safety Act of 2004 (Public Law 108-277), codified at title 18 United States Code section 926C.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THE LAW ENFORCEMENT OFFICERS SAFETY ACT.

PURPOSE: To allow the Department of the Attorney General ("department") to issue firearm qualification certifications to qualified retired law enforcement officers to carry concealed firearms pursuant to 18 U.S.C. section 926C, commonly known by its original title, the Law Enforcement Officers Safety Act of 2004 (Public Law 108-277) (LEOSA).

MEANS: Add a new section to part I of chapter 28, Hawaii Revised Statutes.

JUSTIFICATION: LEOSA was implemented by the federal government in 2004 to allow, in pertinent part, qualified retired law enforcement officers to carry concealed firearms nationwide. LEOSA outlines detailed criteria that a qualified law enforcement officer must meet to be able to carry a concealed firearm pursuant to the act. LEOSA was amended by the Law Enforcement Officers Safety Act Improvements Act of 2010 (Public Law 111-272) and section 1089 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239) and is codified as title 18 United States Code section 926C.

In 2008, the department set up a LEOSA firearm qualification certification program to comply with the Act and enable the department to issue firearm qualification certifications to qualified retired law enforcement officers in Hawaii. The department was concerned about not having a uniform statewide program that is well regulated and operated with public safety as a priority. Under the program, retired officers may be LEOSA certified only if they pass standardized firearms qualification

H.B. No. 890

testing. In 2014, the department entered into a memorandum of understanding with the four county police chiefs to acknowledge and recognize the department's LEOSA certification program. Additionally, in 2014 the department adopted interim LEOSA program guidelines under which it currently operates. There continues to be ongoing discussions of statutory implementation of this LEOSA program.

Impact on the public: The bill gives the department statutory authority to ensure qualified retired law enforcement officers are properly certified to carry concealed firearms safely and pursuant to LEOSA requirements.

Impact on the department and other agencies: This bill clarifies that the department is the agency responsible for issuing certifications to qualified retired law enforcement officers pursuant to LEOSA.

GENERAL FUND:	None.
OTHER FUNDS:	None.
PPBS PROGRAM DESIGNATION:	None.
OTHER AFFECTED AGENCIES:	None.
EFFECTIVE DATE:	Upon approval.