
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

PART I

SECTION 1. The purpose of this Act is to:

- (1) Establish a new department of law enforcement to consolidate and administer the criminal law enforcement and investigations functions of the department of transportation, certain investigations functions of the department of the attorney general, functions of the office of homeland security, and current law enforcement and investigations functions of the department of public safety;
- (2) Rename the department of public safety as the department of corrections and rehabilitation, which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to the department of public safety;
- (3) Establish a training center within the department of law enforcement;



- 1 (4) Transfer employees, appropriations, records,
2 equipment, leases, contracts, other documents, rules,
3 policies, procedures, guidelines, and other material,
4 as appropriate, to the respective departments; and
- 5 (5) Establish positions and appropriate funds for the
6 department of law enforcement and the department of
7 corrections and rehabilitation.

8 Currently, corrections and certain law enforcement
9 functions and activities are placed within the department of
10 public safety. The legislature finds that the goals and
11 functions of corrections and law enforcement are different and
12 distinct and separating the functions of corrections and law
13 enforcement from the department of public safety into two
14 departments would best accomplish the discrete goals and
15 objectives of both functions.

16 The legislature further finds that state law enforcement
17 personnel and functions are currently spread across various
18 departments. The department of public safety, department of
19 transportation, and department of the attorney general all have
20 independent law enforcement officers and different law
21 enforcement duties. Because each department administers its own



1 law enforcement duties, goals, and functions, training and
2 operational standards differ between each department.
3 Accordingly, the reorganization of certain state law enforcement
4 functions into a single entity would provide the highest level
5 of law enforcement service for the public, state employees, and
6 state properties. Consolidation of state law enforcement
7 responsibilities into a single state department will centralize
8 state law enforcement functions to increase public safety,
9 improve decision making, promote accountability, streamline
10 communication, decrease costs, reduce duplication of efforts,
11 and provide uniform training and standards.

12 The goals of the department of law enforcement would
13 include:

- 14 (1) Establishing a partnership with the federal Joint
15 Terrorism Task Force to protect the State from
16 domestic and foreign threats;
- 17 (2) Eliminating the narcotics epidemic that plagues
18 Hawaii's communities through its commitment of
19 investigators in the federal High Intensity Drug
20 Trafficking Area task forces;
- 21 (3) Expanding the narcotics canine program; and



1 (4) Reducing gun violence and other violent criminal acts
2 in island communities through participation in the
3 federal Project Safe Neighborhoods program.

4 This Act also establishes a training center within the
5 department of law enforcement to provide its law enforcement
6 entities the highest level of core and continuing education and
7 training. The training center will also be made available to
8 federal, state, and county law enforcement agencies upon their
9 request. The development of a department of law enforcement
10 training center, where all department of law enforcement
11 officers who intend to work on any island of Hawaii must be
12 certified, will ensure that all department of law enforcement
13 officers meet the standards set by the law enforcement standards
14 board established in chapter 139, Hawaii Revised Statutes. The
15 center will also ensure that the individuals who earn its
16 certification have learned the highest level of core and
17 continuing education and training. The center's curriculum will
18 be designed to ensure that the individuals trained here have the
19 knowledge and skills to protect and serve the public and will be
20 held accountable if they do not uphold the standards set by the
21 law enforcement standards board.



1 The legislature also finds that consolidating adult
2 corrections, reentry services, and other related functions into
3 a separate department of corrections and rehabilitation will
4 allow for the efficient use of resources in administering
5 correctional programs and administering and maintaining public
6 and private correctional services. The Hawaii correctional
7 industries, Hawaii paroling authority, and crime victim
8 compensation commission will be administered by the department
9 of corrections and rehabilitation.

10 The legislature intends that patrol officers assigned to
11 the department of law enforcement continue to retain the title
12 of deputy sheriffs. During the Kingdom of Hawaii, sheriffs
13 oversaw law enforcement activities on each island under the
14 supervision of a kingdom-wide marshal. From 1905 to 1960,
15 sheriffs protected the public as elected county officials,
16 including Duke Kahanamoku who was elected Honolulu sheriff from
17 1934 to 1960. Modern-day deputy sheriffs have protected the
18 people of Hawaii for nearly fifty years, beginning in 1963 when
19 the legislature created the office of the sheriff within the
20 department of the attorney general.



1 The legislature does not intend to impair or diminish the
2 longstanding authority and responsibility of county police
3 departments to enforce the laws, along with state law
4 enforcement, on state lands within their respective counties.
5 County police departments will continue to have full law
6 enforcement authority and responsibility, and in particular will
7 continue to have concurrent jurisdiction with respect to state
8 parks, state buildings, state highways, Hawaiian home lands, and
9 other state lands and facilities.

10 Part II of this Act is to be effective upon approval of
11 this Act. Part II establishes a department of law enforcement
12 and its director and deputy directors. The department of law
13 enforcement will initially be staffed by its director, deputy
14 directors, and certain administrative staff. These personnel
15 will prepare for the transfer of state law enforcement functions
16 and personnel to the department in two stages to occur on
17 January 1, 2023, and July 1, 2023.

18 Part III of this Act is to be effective on January 1, 2023.
19 Part III transfers the law enforcement functions and personnel
20 from the department of public safety to the department of law
21 enforcement and makes conforming amendments.



1 Part IV of this Act is to be effective on January 1, 2023.
2 Part IV renames the department of public safety as the
3 department of corrections and rehabilitation and the director of
4 public safety as the director of corrections and rehabilitation,
5 establishes its deputy directors, and makes conforming
6 amendments so that the authority and responsibilities of the
7 department of corrections and rehabilitation are set forth in
8 chapter 353, Hawaii Revised Statutes, while the authority and
9 responsibilities of the department of law enforcement are set
10 forth in chapter 353C, Hawaii Revised Statutes.

11 Part V of this Act is to be effective on July 1, 2023.
12 Part V transfers the law enforcement functions and personnel of
13 the department of transportation, the non-statutorily mandated
14 functions and law enforcement personnel of the investigations
15 division of the department of the attorney general, and the
16 office of homeland security of the department of defense to the
17 department of law enforcement.

18 Part VI of this Act provides for the retention of civil
19 service status and related rights of transferred employees and
20 transfers any appropriations, equipment, contracts, leases,



1 policies, rules, guidelines, and other items to the respective
2 departments as provided in this Act.

3 Part VII of this Act appropriates funds to the department
4 of law enforcement to establish and fill new positions and for
5 costs that are required for the department's operations. These
6 positions include the director of law enforcement, deputy
7 directors, and certain administrative positions that will staff
8 the department, as well as new positions that will be required
9 when parts III and IV take effect on January 1, 2023. Part VII
10 further appropriates funds to the department of corrections and
11 rehabilitation to establish and fill new positions that will be
12 required for the operation of the department when parts III and
13 IV take effect on January 1, 2023.

14 PART II

15 SECTION 2. Chapter 26, Hawaii Revised Statutes, is amended
16 by adding a new section to part I to be appropriately designated
17 and to read as follows:

18 "§26- Department of law enforcement. (a) The
19 department of law enforcement shall be headed by a single
20 executive to be known as the director of law enforcement.



1 (b) The director of law enforcement shall appoint, without
2 regard to chapter 76, two deputy directors to serve at the
3 director's pleasure. Unless otherwise assigned by the director,
4 one deputy director shall oversee the law enforcement programs
5 of the department of law enforcement and one deputy director
6 shall oversee administration of the department of law
7 enforcement.

8 (c) The department of law enforcement shall be responsible
9 for the formulation and implementation of state policies and
10 objectives for security, law enforcement, and public safety
11 programs and functions, for the service of process, and for the
12 security of state buildings and state land."

13 SECTION 3. Section 26-4, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§26-4 Structure of government.** Under the supervision of
16 the governor, all executive and administrative offices,
17 departments, and instrumentalities of the state government and
18 their respective functions, powers, and duties shall be
19 allocated among and within the following principal departments
20 that are hereby established:



- 1 (1) Department of human resources development (Section 26-
2 5) i
- 3 (2) Department of accounting and general services (Section
4 26-6) i
- 5 (3) Department of the attorney general (Section 26-7) i
- 6 (4) Department of budget and finance (Section 26-8) i
- 7 (5) Department of commerce and consumer affairs (Section
8 26-9) i
- 9 (6) Department of taxation (Section 26-10) i
- 10 (7) University of Hawaii (Section 26-11) i
- 11 (8) Department of education (Section 26-12) i
- 12 (9) Department of health (Section 26-13) i
- 13 (10) Department of human services (Section 26-14) i
- 14 (11) Department of land and natural resources (Section 26-
15 15) i
- 16 (12) Department of agriculture (Section 26-16) i
- 17 (13) Department of Hawaiian home lands (Section 26-17) i
- 18 (14) Department of business, economic development, and
19 tourism (Section 26-18) i
- 20 (15) Department of transportation (Section 26-19) i



(16) Department of labor and industrial relations (Section 26-20);

(17) Department of defense (Section 26-21);

(18) Department of public safety (Section 26-14.6) [-]; and

(19) Department of law enforcement (Section 26-) ."

SECTION 4. Section 26-52, Hawaii Revised Statutes, is amended to read as follows:

"§26-52 Department heads and executive officers. The salaries of the following state officers shall be as follows:

(1) The salary of the superintendent of education shall be set by the board of education at a rate no greater than \$250,000 a year. The superintendent shall be subject to an annual performance evaluation that is in alignment with other employee evaluations within the department of education and are based on outcomes determined by the board of education; provided that nothing shall prohibit the board of education from conditioning a portion of the salary on performance;

(2) The salary of the president of the University of Hawaii shall be set by the board of regents;



1 (3) Effective July 1, 2004, the salaries of all department
2 heads or executive officers of the departments of
3 accounting and general services, agriculture, attorney
4 general, budget and finance, business, economic
5 development, and tourism, commerce and consumer
6 affairs, Hawaiian home lands, health, human resources
7 development, human services, labor and industrial
8 relations, land and natural resources, law
9 enforcement, public safety, taxation, and
10 transportation shall be as last recommended by the
11 executive salary commission. Effective July 1, 2007,
12 and every six years thereafter, the salaries shall be
13 as last recommended by the commission on salaries
14 pursuant to section 26-56, unless rejected by the
15 legislature; and

16 (4) The salary of the adjutant general shall be \$85,302 a
17 year. Effective July 1, 2007, and every six years
18 thereafter, the salary of the adjutant general shall
19 be as last recommended by the commission on salaries
20 pursuant to section 26-56, unless rejected by the
21 legislature, except that if the state salary is in



1 conflict with the pay and allowance fixed by the
2 tables of the regular Army or Air Force of the United
3 States, the latter shall prevail."

4 SECTION 5. Section 76-16, Hawaii Revised Statutes, is
5 amended by amending subsection (b) to read as follows:

6 "(b) The civil service to which this chapter applies shall
7 comprise all positions in the State now existing or hereafter
8 established and embrace all personal services performed for the
9 State, except the following:

10 (1) Commissioned and enlisted personnel of the Hawaii
11 National Guard as such, and positions in the Hawaii
12 National Guard that are required by state or federal
13 laws or regulations or orders of the National Guard to
14 be filled from those commissioned or enlisted
15 personnel;

16 (2) Positions filled by persons employed by contract where
17 the director of human resources development has
18 certified that the service is special or unique or is
19 essential to the public interest and that, because of
20 circumstances surrounding its fulfillment, personnel
21 to perform the service cannot be obtained through



- 1 normal civil service recruitment procedures. Any such
2 contract may be for any period not exceeding one year;
- 3 (3) Positions that must be filled without delay to comply
4 with a court order or decree if the director
5 determines that recruitment through normal recruitment
6 civil service procedures would result in delay or
7 noncompliance, such as the Felix-Cayetano consent
8 decree;
- 9 (4) Positions filled by the legislature or by either house
10 or any committee thereof;
- 11 (5) Employees in the office of the governor and office of
12 the lieutenant governor, and household employees at
13 Washington Place;
- 14 (6) Positions filled by popular vote;
- 15 (7) Department heads, officers, and members of any board,
16 commission, or other state agency whose appointments
17 are made by the governor or are required by law to be
18 confirmed by the senate;
- 19 (8) Judges, referees, receivers, masters, jurors, notaries
20 public, land court examiners, court commissioners, and



1 attorneys appointed by a state court for a special
2 temporary service;

- 3 (9) One bailiff for the chief justice of the supreme court
4 who shall have the powers and duties of a court
5 officer and bailiff under section 606-14; one
6 secretary or clerk for each justice of the supreme
7 court, each judge of the intermediate appellate court,
8 and each judge of the circuit court; one secretary for
9 the judicial council; one deputy administrative
10 director of the courts; three law clerks for the chief
11 justice of the supreme court, two law clerks for each
12 associate justice of the supreme court and each judge
13 of the intermediate appellate court, one law clerk for
14 each judge of the circuit court, two additional law
15 clerks for the civil administrative judge of the
16 circuit court of the first circuit, two additional law
17 clerks for the criminal administrative judge of the
18 circuit court of the first circuit, one additional law
19 clerk for the senior judge of the family court of the
20 first circuit, two additional law clerks for the civil
21 motions judge of the circuit court of the first



1 circuit, two additional law clerks for the criminal
2 motions judge of the circuit court of the first
3 circuit, and two law clerks for the administrative
4 judge of the district court of the first circuit; and
5 one private secretary for the administrative director
6 of the courts, the deputy administrative director of
7 the courts, each department head, each deputy or first
8 assistant, and each additional deputy, or assistant
9 deputy, or assistant defined in paragraph (16);

10 (10) First deputy and deputy attorneys general, the
11 administrative services manager of the department of
12 the attorney general, one secretary for the
13 administrative services manager, an administrator and
14 any support staff for the criminal and juvenile
15 justice resources coordination functions, and law
16 clerks;

17 (11) (A) Teachers, principals, vice-principals, complex
18 area superintendents, deputy and assistant
19 superintendents, other certificated personnel,
20 not more than twenty noncertificated



- 1 administrative, professional, and technical
2 personnel not engaged in instructional work;
- 3 (B) Effective July 1, 2003, teaching assistants,
4 educational assistants, bilingual/bicultural
5 school-home assistants, school psychologists,
6 psychological examiners, speech pathologists,
7 athletic health care trainers, alternative school
8 work study assistants, alternative school
9 educational/supportive services specialists,
10 alternative school project coordinators, and
11 communications aides in the department of
12 education;
- 13 (C) The special assistant to the state librarian and
14 one secretary for the special assistant to the
15 state librarian; and
- 16 (D) Members of the faculty of the University of
17 Hawaii, including research workers, extension
18 agents, personnel engaged in instructional work,
19 and administrative, professional, and technical
20 personnel of the university;



- 1 (12) Employees engaged in special, research, or
2 demonstration projects approved by the governor;
- 3 (13) (A) Positions filled by inmates, patients of state
4 institutions, persons with severe physical or
5 mental disabilities participating in the work
6 experience training programs;
- 7 (B) Positions filled with students in accordance with
8 guidelines for established state employment
9 programs; and
- 10 (C) Positions that provide work experience training
11 or temporary public service employment that are
12 filled by persons entering the workforce or
13 persons transitioning into other careers under
14 programs such as the federal Workforce Investment
15 Act of 1998, as amended, or the Senior Community
16 Service Employment Program of the Employment and
17 Training Administration of the United States
18 Department of Labor, or under other similar state
19 programs;
- 20 (14) A custodian or guide at Iolani Palace, the Royal
21 Mausoleum, and Hulihee Palace;



1 (15) Positions filled by persons employed on a fee,
2 contract, or piecework basis, who may lawfully perform
3 their duties concurrently with their private business
4 or profession or other private employment and whose
5 duties require only a portion of their time, if it is
6 impracticable to ascertain or anticipate the portion
7 of time to be devoted to the service of the State;

8 (16) Positions of first deputies or first assistants of
9 each department head appointed under or in the manner
10 provided in section 6, article V, of the Hawaii State
11 Constitution; three additional deputies or assistants
12 either in charge of the highways, harbors, and
13 airports divisions or other functions within the
14 department of transportation as may be assigned by the
15 director of transportation, with the approval of the
16 governor; four additional deputies in the department
17 of health, each in charge of one of the following:
18 behavioral health, environmental health, hospitals,
19 and health resources administration, including other
20 functions within the department as may be assigned by
21 the director of health, with the approval of the



1 governor; two additional deputies in charge of the law
2 enforcement programs, administration, or other
3 functions within the department of law enforcement as
4 may be assigned by the director of law enforcement,
5 with the approval of the governor; an administrative
6 assistant to the state librarian; and an
7 administrative assistant to the superintendent of
8 education;

9 (17) Positions specifically exempted from this part by any
10 other law; provided that:

11 (A) Any exemption created after July 1, 2014, shall
12 expire three years after its enactment unless
13 affirmatively extended by an act of the
14 legislature; and

15 (B) All of the positions defined by paragraph (9)
16 shall be included in the position classification
17 plan;

18 (18) Positions in the state foster grandparent program and
19 positions for temporary employment of senior citizens
20 in occupations in which there is a severe personnel
21 shortage or in special projects;



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that not
10 more than twenty-six per cent of the authority's
11 workforce in any housing project maintained or
12 operated by the authority shall be hired under the
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
- 3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
- 5 education programs;
- 6 (27) In the state energy office in the department of
- 7 business, economic development, and tourism, all
- 8 energy program managers, energy program specialists,
- 9 energy program assistants, and energy analysts;
- 10 (28) Administrative appeals hearing officers in the
- 11 department of human services;
- 12 (29) In the Med-QUEST division of the department of human
- 13 services, the division administrator, finance officer,
- 14 health care services branch administrator, medical
- 15 director, and clinical standards administrator;
- 16 (30) In the director's office of the department of human
- 17 services, the enterprise officer, information security
- 18 and privacy compliance officer, security and privacy
- 19 compliance engineer, and security and privacy
- 20 compliance analyst;



1 (31) The Alzheimer's disease and related dementia services
2 coordinator in the executive office on aging;
3 [+] (32) [+] In the Hawaii emergency management agency, the
4 executive officer, public information officer, civil
5 defense administrative officer, branch chiefs, and
6 emergency operations center state warning point
7 personnel; provided that, for state warning point
8 personnel, the director shall determine that
9 recruitment through normal civil service recruitment
10 procedures would result in delay or noncompliance; and
11 [+] (33) [+] The executive director and seven full-time
12 administrative positions of the school facilities
13 authority.
14 The director shall determine the applicability of this
15 section to specific positions.
16 Nothing in this section shall be deemed to affect the civil
17 service status of any incumbent as it existed on July 1, 1955."

PART III

19 SECTION 6. All rights, powers, functions, and duties of
20 the employees of the sheriff division, narcotics enforcement
21 division, internal affairs office, and the law enforcement



1 officers within the training and staff development division of
2 the department of public safety are transferred to the
3 department of law enforcement. The positions of director of
4 public safety, deputy director for administration, deputy
5 director for corrections, and deputy director for law
6 enforcement of the department of public safety shall become the
7 positions of director of corrections and rehabilitation, deputy
8 director for correctional institutions, deputy director for
9 rehabilitation services and programs, and deputy director for
10 administration, respectively, within the department of
11 corrections and rehabilitation established in part IV of this
12 Act.

13 SECTION 7. Chapter 353C, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 **"§353C- Statewide law enforcement training center.**

17 There is established within the department a department of law
18 enforcement training center. The center shall provide training
19 and administer certification requirements of all department of
20 law enforcement personnel who exercise police powers in the
21 State. Such training shall conform to uniform statewide



1 standards set by the law enforcement standards board pursuant to
2 chapter 139. The center shall operate and maintain such
3 facilities as are necessary to conduct training and
4 certification under this section."

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

15 SECTION 9. Section 139-1, Hawaii Revised Statutes, is
16 amended by amending the definition of "law enforcement officer"
17 to read as follows:

18 ""Law enforcement officer" means:

- 19 (1) A police officer employed by a county police
20 department;



(2) ~~[A public safety officer employed by the department of public safety;]~~ An employee of the department of law enforcement conferred with police powers by the director of law enforcement; or

(3) An employee of the department of transportation, department of land and natural resources, department of taxation, or department of the attorney general who is conferred by law with general police powers."

SECTION 10. Chapter 353C, Hawaii Revised Statutes, is amended by amending its title to read as follows:

"CHAPTER 353C

[PUBLIC SAFETY] LAW ENFORCEMENT"

SECTION 11. Section 353C-2, Hawaii Revised Statutes, is amended to read as follows:

"§353C-2 Director of ~~[public safety;]~~ law enforcement; powers and duties. ~~[+(a)]~~ The director of ~~[public safety]~~ law enforcement shall administer the public safety programs of the department ~~[of public safety]~~ and shall be responsible for the formulation and implementation of state goals and objectives for ~~[correctional and]~~ state law enforcement programs~~[, including ensuring that correctional facilities and correctional services~~



1 ~~meet the present and future needs of persons committed to the~~
2 ~~correctional facilities.]~~ and homeland security. In the
3 administration of these programs, the director may:

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

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

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

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

19 (5) Adopt, pursuant to chapter 91, rules that are
20 necessary or desirable for the administration of

21 ~~[public safety]~~ state law enforcement programs; and



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

5 ~~[(b)] The department of public safety shall report to the~~
6 ~~legislature not later than twenty days prior to the commencement~~
7 ~~of the 2008 regular session, and every session thereafter, with~~
8 ~~its achievements, continuing improvements, and ongoing problems~~
9 ~~in providing the appropriate mental health care to committed~~
10 ~~persons under its jurisdiction.] "~~

11 SECTION 12. Section 353C-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~[(b)]~~**\$353C-3**~~[(b)]~~ **Deputy directors; appointment.** The
14 director shall appoint, without regard to chapter 76, [~~three~~]
15 two deputy directors to serve at the director's pleasure.
16 Unless otherwise assigned by the director, one deputy director
17 shall oversee the [~~correctional programs and facilities of the~~
18 ~~department, one deputy director shall oversee the~~] law
19 enforcement programs of the department, and one deputy director
20 shall oversee administration of the department."



1 SECTION 13. Section 353C-4, Hawaii Revised Statutes, is
2 amended as follows:

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

4 "(a) The director may appoint employees to be ~~[public~~
5 ~~safety]~~ state law enforcement officers who shall have all of the
6 powers of police officers; provided that the director may
7 establish and assign the employees to positions or categories of
8 positions that may have differing titles, specific duties, and
9 limitations upon the exercise of police powers."

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

11 "(c) The duties of state law enforcement officers
12 ~~[transferred from the department of the attorney general by Act~~
13 ~~211, Session Laws of Hawaii 1989,]~~ shall ~~[be responsible for]~~
14 include conducting law enforcement operations and investigations
15 throughout the State and maintaining public safety in state
16 buildings as well as the personal protection of government
17 officials and employees while in the conduct of their duties.
18 The duties of state law enforcement officers shall also include
19 the service of process, including subpoenas, warrants, and other
20 legal documents, and other duties as the director may assign[
21 ~~including the performance of duties of other public safety~~



1 ~~officers within the department]~~. State law enforcement officers
2 shall have all of the powers of police officers, including the
3 power of arrest. This section does not relieve county police
4 officers of any authority or responsibility to enforce laws or
5 to maintain public safety on state lands and in state
6 buildings."

7 SECTION 14. Section 353C-5, Hawaii Revised Statutes, is
8 amended by amending subsections (a), (b), and (c) to read as
9 follows:

10 "(a) The department shall develop standards to ensure the
11 reputable and responsible characters of staff members ~~[of its~~
12 ~~correctional facilities]~~, which shall include criminal history
13 record checks.

14 (b) For purposes of this section:

15 "Prospective staff member" means any applicant for a job in
16 the department ~~[of public safety that is directly involved with~~
17 ~~the treatment and care of persons committed to a facility or~~
18 ~~that requires]~~ that involves the exercise of police powers~~[7]~~
19 conferred by the director, including the power to arrest ~~[in the~~
20 ~~performance of its duties]~~.



1 "Staff member" means any employee of the department [~~of~~
2 ~~public safety who is directly involved with the treatment and~~
3 ~~care of persons committed to a facility or~~] who possesses police
4 powers[~~r~~] conferred by the director, including the power of
5 arrest.

6 (c) The department shall obtain criminal history record
7 information through the Hawaii criminal justice data center in
8 accordance with section 846-2.7, on all staff members and
9 prospective staff members of the department of [~~public safety.~~]
10 law enforcement. Prospective staff members shall be
11 fingerprinted and the criminal history record check shall be
12 completed [~~prior to~~] before beginning employment."

13 SECTION 15. Section 353C-6, Hawaii Revised Statutes, is
14 amended to read as follows:

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



1 (1) Apply exclusively to state owned law enforcement
2 vehicles assigned to the department of [~~public~~
3 ~~safety,~~] law enforcement; and

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

7 SECTION 16. Section 707-700, Hawaii Revised Statutes, is
8 amended by amending the definition of "emergency worker" to read
9 as follows:

10 ""Emergency worker" means any:

11 (1) Law enforcement officer, including any police officer,
12 [~~public safety officer,~~] employee of the department of
13 law enforcement conferred with police powers by the
14 director of law enforcement, parole or probation
15 officer, or any other officer of any county, state,
16 federal, or military agency authorized to exercise law
17 enforcement or police powers;

18 (2) Firefighter, emergency medical services personnel,
19 emergency medical technician, ambulance crewmember, or
20 any other emergency response personnel;



(3) Member of the Hawaii National Guard on any duty or service done under or in pursuance of an order or call of the governor or the President of the United States or any proper authority;

(4) Member of the United States Army, Air Force, Navy, Marine Corps, or Coast Guard on any duty or service performed under or in pursuance of an order or call of the President of the United States or any proper authority;

(5) Member of the National Guard from any other state ordered into service by any proper authority; or

(6) Person engaged in emergency management functions as authorized by the director of Hawaii emergency management or the administrator or director of the county emergency management agency or as otherwise authorized under chapter 127A."

SECTION 17. (a) Sections 28-151, 78-52, 134-81, 139-7, 200-2, 205A-62, 291E-6.5, 328-16, 329-1, 329-11, 329-18, 329-20, 329-23, 329-31, 329-32, 329-33, 329-34, 329-35, 329-36, 329-37, 329-51, 329-54, 329-55, 329-57, 329-58, 329-61, 329-63, 329-64, 329-66, 329-67, 329-68, 329-71, 329-72, 329-75, 334D-5, 350-1.1,



1 353C-1, 353C-8, 386-181, 651-1, 662-16, and 844D-38, Hawaii
2 Revised Statutes, are amended by substituting the phrase
3 "department of law enforcement", or similar term, wherever the
4 phrase "department of public safety", or similar term, appears.

5 (b) Sections 134C-2, 139-2, 200-27, 226-64, 329-51, 329-
6 59, 329-69, 346-382, 353C-1, 577E-3, 587A-4, 614-2, and 651-1,
7 Hawaii Revised Statutes, are amended by substituting the phrase
8 "director of law enforcement", or similar term, wherever the
9 phrase "director of public safety", or similar term, appears, as
10 the context requires.

11 (c) Sections 501-154, 603-29, 604-6.2, 607-4, 607-8, 633-
12 8, 634-11, 634-12, 634-22, 634-29, 652-1.5, 652-2, 652-2.5, 652-
13 2.6, 654-2, 666-11, and 666-21, Hawaii Revised Statutes, are
14 amended by substituting the phrase "department of law
15 enforcement's", or similar term, wherever the phrase "department
16 of public safety's", or similar term, appears.

17 (d) Sections 88-45, 88-47, 88-74, and 88-321, Hawaii
18 Revised Statutes, are amended by substituting the phrase "law
19 enforcement investigations staff", or similar term, wherever the
20 phrase "public safety investigations staff", or similar term,
21 appears.



PART IV

SECTION 18. Chapter 353, Hawaii Revised Statutes, is amended by adding seven new sections to part I to be appropriately designated and to read as follows:

"§353-A Director of corrections and rehabilitation; powers and duties. (a) The director shall be responsible for the

formulation and implementation of state goals and objectives for
correctional programs, including ensuring that correctional
facilities and correctional services meet the present and future
needs of persons committed to the correctional facilities. In
the administration of these programs, the director may:

(1) Train, equip, maintain, and supervise correctional
personnel and other employees of the department;

(2) Perform other duties as may be required by law;

(3) Adopt, pursuant to chapter 91, rules that are
necessary or desirable for the administration of
corrections; and

(4) Enter into contracts on behalf of the department and
take all actions deemed necessary and appropriate for
the proper and efficient administration of the



1 department, including contracts for the custody and
2 care of Hawaii inmates housed outside of the State.

3 (b) The department of corrections and rehabilitation shall
4 report to the legislature not later than twenty days prior to
5 the commencement of the regular session of 2024, and every
6 session thereafter, with its achievements, continuing
7 improvements, and ongoing problems in providing the appropriate
8 mental health care to committed persons under its jurisdiction.

9 **§353-B Deputy directors; appointment.** The director shall
10 appoint, without regard to chapter 76, three deputy directors to
11 serve at the director's pleasure. Unless otherwise assigned by
12 the director, one deputy director shall oversee the correctional
13 institutions of the department including prisons and jails
14 within the State and any contracts for the custody and care of
15 Hawaii inmates housed outside of the State, one deputy director
16 shall oversee the rehabilitation services and programs of the
17 department, and one deputy director shall oversee administration
18 of the department.

19 **§353-C Correctional health care program.** There is
20 established a correctional health care program within the
21 department. The administrator of the correctional health care



1 program and physicians who provide care to inmates shall be
2 appointed by the director without regard to chapter 76.

3 §353-D Criminal history record checks. (a) The
4 department shall develop standards to ensure the reputable and
5 responsible characters of staff members of the State's
6 correctional facilities, which shall include criminal history
7 record checks.

8 (b) For purposes of this section:

9 "Prospective staff member" means any applicant for a job in
10 the department that is directly involved with the treatment and
11 care of persons committed to a facility.

12 "Staff member" means any employee of the department who is
13 directly involved with the treatment and care of persons
14 committed to a facility.

15 (c) The department shall obtain criminal history record
16 information through the Hawaii criminal justice data center in
17 accordance with section 846-2.7, on all staff members and
18 prospective staff members of the department. Prospective staff
19 members shall be fingerprinted and the criminal history record
20 check shall be completed before beginning employment.



1 (d) The department may deny employment to a prospective
2 staff member who was convicted of a crime other than a minor
3 traffic violation involving a fine of \$50 or less and if the
4 department finds from the prospective staff member's criminal
5 history record that the prospective staff member poses a risk to
6 the health, safety, security, or well-being of inmates under
7 supervision and confinement, other staff, or the public at
8 large.

9 (e) Staff members shall not be subject to termination
10 based on findings in their criminal records except for:

11 (1) Those whose conviction of a crime occurred after
12 May 8, 1989, or under circumstances in which a staff
13 member is a fugitive from justice; and

14 (2) Crimes other than a minor traffic violation involving
15 a fine of \$50 or less, where because of the staff
16 member's conviction record, the staff member poses a
17 risk to the health, safety, security, or well-being of
18 inmates under supervision and confinement, other
19 staff, or the public at large.

20 **§353-E Federal reimbursement maximization special fund.**

21 (a) There is established in the state treasury the federal



1 reimbursement maximization special fund, into which shall be
2 deposited all federal reimbursements received by the department
3 relating to the State Criminal Alien Assistance Program. Unless
4 otherwise provided by law, all other receipts shall immediately
5 be deposited to the credit of the general fund of the State.

6 (b) Moneys in the federal reimbursement maximization
7 special fund shall be used by the department for the following
8 purposes:

9 (1) To meet the state match requirement for federal grants
10 and costs associated with federal grant reporting
11 requirements, including administrative expenses such
12 as the hiring of temporary staff;

13 (2) For any other purpose deemed necessary by the
14 department for maintaining or pursuing federal grants;

15 (3) To hire consultants to provide training for
16 corrections officers;

17 (4) To hire consultants to conduct facility or program
18 evaluations;

19 (5) To rent or purchase vehicles to transport inmates;

20 (6) To provide pre-release and reentry programs;

21 (7) To improve technology; and



1 (8) To recruit and retain corrections workforce.

2 (c) The department shall prepare and submit an annual
3 report on the status of the federal reimbursement maximization
4 special fund to the legislature no later than twenty days before
5 the convening of each regular session. The annual report shall
6 include but not be limited to a description of the use of the
7 funds.

8 **§353-F Sexual assaults in prison.** (a) The department, to
9 the best of the department's ability, shall address sexual
10 assault in prison and make every effort to seek grant moneys
11 from the federal government to implement those efforts. The
12 department shall place priority upon establishing:

13 (1) Appropriate counseling services for sexual assault, to
14 be made available to victims of prison sexual assault
15 within twenty-four hours of the report of an assault;
16 and

17 (2) Policies and standards of transparency to achieve a
18 zero-tolerance policy for sexual assault.

19 (b) The department, no later than twenty days prior to the
20 convening of each regular session, shall report data to the
21 legislature regarding:



1 (1) Sexual assault by persons in custody against other
2 persons in custody of the department;

3 (2) Sexual assault by correctional staff against persons
4 in custody of the department;

5 (3) Non-criminal sexual misconduct by staff, including
6 sexual harassment of persons in custody of the
7 department;

8 (4) Criminal cases initiated, and closed by dismissal,
9 plea, or verdict, for sexual assaults by or upon a
10 person in custody of the department; and

11 (5) Civil claims filed and closed by dismissal,
12 settlement, or verdict for sexual assaults by or upon
13 a person in custody of the department.

14 (c) The department shall preserve any forensic evidence
15 consisting of human biological specimens for collection by the
16 relevant criminal investigation entity or coroner, if there is
17 any indication of sexual assault leading to the death of any:

18 (1) Correctional facility or community correctional center
19 employee who dies on the grounds of a correctional
20 facility or community correctional center where Hawaii
21 inmates reside or who sustains an injury on the



grounds of a correctional facility or community
correctional center where Hawaii inmates reside that
causes the death of the employee; and

(2) Hawaii inmate who is incarcerated in a state or
contracted correctional facility.

**§353-G Correctional facility and community correctional
center deaths; reporting.** (a) Within forty-eight hours, the
director shall report to the governor, and the governor shall
report to the legislature, the death of any:

(1) Correctional facility or community correctional center
employee who dies on the grounds of a correctional
facility or community correctional center where Hawaii
inmates reside or who sustains an injury on the
grounds of a correctional facility or community
correctional center where Hawaii inmates reside that
causes the death of the employee; or

(2) Hawaii inmate who is incarcerated in a state or
contracted correctional facility.

(b) The report in subsection (a) shall include the
following information:

(1) The name of the decedent;



1 (2) The gender and age of the decedent;

2 (3) Whether the decedent was an inmate or an employee;

3 (4) The location of the death or injury leading to the
4 death;

5 (5) The date and time of the death;

6 (6) The cause of death; and

7 (7) Any indication of sexual assault leading to the death;

8 provided that when the official cause of death has been

9 determined, the director shall immediately report the official

10 cause of death to the governor, and the governor shall

11 immediately report the official cause of death to the

12 legislature.

13 (c) Within thirty days of a death described in subsection

14 (a), the director shall submit a report to the governor, and the

15 governor shall submit the report to the legislature, of the

16 clinical mortality review conducted in response to the death,

17 including correctional actions to be taken.

18 (d) The director shall have the discretion to withhold

19 disclosure of the decedent's name or any information protected

20 from disclosure by state or federal laws."



1 SECTION 19. Section 23-12, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) Each special, revolving, and trust fund shall be
4 reviewed every five years as follows:

5 (1) Beginning 2014 and every five years thereafter, the
6 auditor shall submit a review of the special,
7 revolving, and trust funds of the department of
8 accounting and general services; the department of
9 agriculture; the department of budget and finance; and
10 the department of land and natural resources;

11 (2) Beginning 2015 and every five years thereafter, the
12 auditor shall submit a review of the special,
13 revolving, and trust funds of the department of the
14 attorney general; the department of business, economic
15 development, and tourism; and the University of Hawaii
16 system;

17 (3) Beginning 2016 and every five years thereafter, the
18 auditor shall submit a review of the special,
19 revolving, and trust funds within the judiciary and of
20 the department of commerce and consumer affairs; the



department of Hawaiian home lands; the department of health; and the department of human services;

(4) Beginning 2017 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the office of the governor; the office of Hawaiian affairs; and the department of education;

(5) Beginning 2018 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of labor and industrial relations; the department of taxation; the department of human resources development; the department of ~~[public safety;]~~ corrections and rehabilitation; the department of law enforcement; and all other moneys expended in accordance with section 37-40; and

(6) Beginning 2014 and every five years thereafter, the auditor shall submit a review of the special, revolving, and trust funds of the department of transportation and the department of defense."



1 SECTION 20. Section 26-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-4 Structure of government.** Under the supervision of
4 the governor, all executive and administrative offices,
5 departments, and instrumentalities of the state government and
6 their respective functions, powers, and duties shall be
7 allocated among and within the following principal departments
8 that are hereby established:

9 (1) Department of human resources development (Section 26-
10 5) ;

11 (2) Department of accounting and general services (Section
12 26-6) ;

13 (3) Department of the attorney general (Section 26-7) ;

14 (4) Department of budget and finance (Section 26-8) ;

15 (5) Department of commerce and consumer affairs (Section
16 26-9) ;

17 (6) Department of taxation (Section 26-10) ;

18 (7) University of Hawaii (Section 26-11) ;

19 (8) Department of education (Section 26-12) ;

20 (9) Department of health (Section 26-13) ;

21 (10) Department of human services (Section 26-14) ;



- 1 (11) Department of land and natural resources (Section 26-
2 15);
3 (12) Department of agriculture (Section 26-16);
4 (13) Department of Hawaiian home lands (Section 26-17);
5 (14) Department of business, economic development, and
6 tourism (Section 26-18);
7 (15) Department of transportation (Section 26-19);
8 (16) Department of labor and industrial relations (Section
9 26-20);
10 (17) Department of defense (Section 26-21);
11 (18) Department of [~~public safety~~] corrections and
12 rehabilitation (Section 26-14.6) [~~-~~]; and
13 (19) Department of law enforcement (Section 26-) ."

14 SECTION 21. Section 26-14.6, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§26-14.6 Department of [~~public safety~~] corrections and**
17 **rehabilitation.** (a) The department of [~~public safety~~]
18 corrections and rehabilitation shall be headed by a single
19 executive to be known as the director of [~~public safety~~]
20 corrections and rehabilitation.



1 (b) The department of [~~public safety~~] corrections and
2 rehabilitation shall be responsible for the formulation and
3 implementation of state policies and objectives for the
4 correctional[~~, security, law enforcement, and public safety~~
5 ~~programs and functions,~~] system statewide and for the
6 administration and maintenance of all public or private
7 correctional facilities and services[~~, for the service of~~
8 ~~process, and for the security of state buildings~~].

9 (c) Effective July 1, 1990, the Hawaii paroling authority
10 and the crime victim compensation commission are placed within
11 the department of public safety for administrative purposes
12 only[~~-~~], and effective July 1, 2023, the Hawaii paroling
13 authority and the crime victim compensation commission are
14 placed within the department of corrections and rehabilitation
15 for administrative purposes only.

16 (d) Effective July 1, 1990, the functions and authority
17 heretofore exercised by:

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

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



1 (3) The department of the attorney general relating to
2 state law enforcement officers and narcotics
3 enforcement investigators with the narcotics
4 enforcement division,
5 shall be transferred to the department of public safety.
6 Effective July 1, 2023, the functions and authority transferred
7 in paragraph (1) shall be transferred to the department of
8 corrections and rehabilitation, and the functions and authority
9 transferred in paragraphs (2) and (3) shall be transferred to
10 the department of law enforcement.

11 (e) Effective July 1, 1990, the functions and authority
12 heretofore exercised by the department of health pursuant to
13 chapters 329 and 329C, with the exception of sections 329-2,
14 329-3, and 329-4(3) to (8), shall be transferred to the
15 department of public safety[~~-~~]; and effective July 1, 2023,
16 those functions and authority shall be transferred to the
17 department of law enforcement.

18 (f) Effective July 1, 1990, the functions, authority, and
19 obligations, together with the limitations imposed thereon and
20 the privileges and immunities conferred thereby, exercised by a
21 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's



1 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
2 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
3 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
4 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-
5 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, ~~[587-33,]~~
6 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,
7 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,
8 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,
9 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to
10 the same extent by the department of public safety~~[-]~~; and
11 effective July 1, 2023, those functions, authority, and
12 obligations shall be exercised to the same extent by the
13 department of law enforcement.

14 (g) Effective January 1, 1993, the functions and authority
15 heretofore exercised by the attorney general and the department
16 of the attorney general relating to the executive security
17 officers shall be transferred to the department of public safety
18 ~~[-]~~; and effective July 1, 2023, those functions and authority
19 shall be transferred to the department of law enforcement.

20 (h) Effective July 1, 1999, the functions and authority
21 heretofore exercised by the director of public safety and the



1 department of public safety relating to after hours security
2 contracts at department of education facilities, except for the
3 security functions being performed by employees of the public
4 library system as well as the contractual security services for
5 the libraries, shall be transferred to the department of
6 education.

7 (i) Effective January 1, 1993, the functions and authority
8 heretofore exercised by the director of health and the
9 department of health relating to uniformed security employees
10 and security contracts at various state hospitals throughout the
11 State shall be transferred to the department of public safety
12 [-]; and effective July 1, 2023, those functions and authority
13 shall be transferred to the department of law enforcement.

14 Effective July 1, 2005, the functions, authority, and employee
15 positions of the department of public safety relating to
16 uniformed security employees and security contracts at health
17 facilities that are under the operation, management, and control
18 of the Hawaii health systems corporation shall be transferred to
19 the Hawaii health systems corporation.

20 (j) Effective January 1, 1993, the functions and authority
21 heretofore exercised by the director of human services and the



1 department of human services relating to contractual security
2 guard services shall be transferred to the department of public
3 safety[-]; and effective July 1, 2023, those functions and
4 authority shall be transferred to the department of law
5 enforcement.

6 (k) Effective July 1, 1994, the functions and authority
7 heretofore exercised by the adjutant general relating to
8 security for national guard and state emergency management
9 facilities in the Diamond Head complex, for after work hours,
10 shall be transferred to the department of public safety[-]; and
11 effective July 1, 2023, those functions and authority shall be
12 transferred to the department of law enforcement.

13 (l) Effective July 1, 2002, the functions and authority
14 heretofore exercised by the director of public safety and the
15 department of public safety relating to after hours security
16 contracts at department of education facilities, including all
17 security functions being performed by employees of the public
18 library system, as well as the contractual security services for
19 the libraries, shall be transferred to the department of
20 education and the public library system as appropriate."



1 SECTION 22. Section 26-52, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§26-52 Department heads and executive officers.** The
4 salaries of the following state officers shall be as follows:

5 (1) The salary of the superintendent of education shall be
6 set by the board of education at a rate no greater
7 than \$250,000 a year. The superintendent shall be
8 subject to an annual performance evaluation that is in
9 alignment with other employee evaluations within the
10 department of education and are based on outcomes
11 determined by the board of education; provided that
12 nothing shall prohibit the board of education from
13 conditioning a portion of the salary on performance;

14 (2) The salary of the president of the University of
15 Hawaii shall be set by the board of regents;

16 (3) Effective July 1, 2004, the salaries of all department
17 heads or executive officers of the departments of
18 accounting and general services, agriculture, attorney
19 general, budget and finance, business, economic
20 development, and tourism, commerce and consumer
21 affairs, corrections and rehabilitation, Hawaiian home



1 lands, health, human resources development, human
2 services, labor and industrial relations, land and
3 natural resources, [~~public safety,~~] law enforcement,
4 taxation, and transportation shall be as last
5 recommended by the executive salary commission.
6 Effective July 1, 2007, and every six years
7 thereafter, the salaries shall be as last recommended
8 by the commission on salaries pursuant to section
9 26-56, unless rejected by the legislature; and
10 (4) The salary of the adjutant general shall be \$85,302 a
11 year. Effective July 1, 2007, and every six years
12 thereafter, the salary of the adjutant general shall
13 be as last recommended by the commission on salaries
14 pursuant to section 26-56, unless rejected by the
15 legislature, except that if the state salary is in
16 conflict with the pay and allowance fixed by the
17 tables of the regular Army or Air Force of the United
18 States, the latter shall prevail."

19 SECTION 23. Section 26-56, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:



"(b) The commission shall review and recommend an appropriate salary for the governor, lieutenant governor, members of the legislature, justices and judges of all state courts, administrative director of the State or an equivalent position, and department heads or executive officers and the deputies or assistants to the department heads of the departments of:

(1) Accounting and general services;

(2) Agriculture;

(3) The attorney general;

(4) Budget and finance;

(5) Business, economic development, and tourism;

(6) Commerce and consumer affairs;

(7) Corrections and rehabilitation;

~~[(7)]~~ (8) Defense;

~~[(8)]~~ (9) Hawaiian home lands;

~~[(9)]~~ (10) Health;

~~[(10)]~~ (11) Human resources development;

~~[(11)]~~ (12) Human services;

~~[(12)]~~ (13) Labor and industrial relations;

~~[(13)]~~ (14) Land and natural resources;



1 [~~(14)~~] (15) [~~Public safety;~~] Law enforcement;
2 [~~(15)~~] (16) Taxation; and
3 [~~(16)~~] (17) Transportation.

4 The commission shall not review the salary of any position
5 in the department of education or the University of Hawaii.

6 The commission may recommend different salaries for
7 department heads and executive officers and different salary
8 ranges for deputies or assistants to department heads; provided
9 that the commission shall recommend the same salary range for
10 deputies or assistants to department heads within the same
11 department; provided further that the appointing official shall
12 specify the salary for a particular position within the
13 applicable range.

14 The commission shall not recommend salaries lower than
15 salary amounts recommended by prior commissions replaced by this
16 section."

17 SECTION 24. Section 76-16, Hawaii Revised Statutes, is
18 amended by amending subsection (b) to read as follows:

19 "(b) The civil service to which this chapter applies shall
20 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

3 (1) Commissioned and enlisted personnel of the Hawaii
4 National Guard as such, and positions in the Hawaii
5 National Guard that are required by state or federal
6 laws or regulations or orders of the National Guard to
7 be filled from those commissioned or enlisted
8 personnel;

9 (2) Positions filled by persons employed by contract where
10 the director of human resources development has
11 certified that the service is special or unique or is
12 essential to the public interest and that, because of
13 circumstances surrounding its fulfillment, personnel
14 to perform the service cannot be obtained through
15 normal civil service recruitment procedures. Any such
16 contract may be for any period not exceeding one year;

17 (3) Positions that must be filled without delay to comply
18 with a court order or decree if the director
19 determines that recruitment through normal recruitment
20 civil service procedures would result in delay or



1 noncompliance, such as the Felix-Cayetano consent
2 decree;

3 (4) Positions filled by the legislature or by either house
4 or any committee thereof;

5 (5) Employees in the office of the governor and office of
6 the lieutenant governor, and household employees at
7 Washington Place;

8 (6) Positions filled by popular vote;

9 (7) Department heads, officers, and members of any board,
10 commission, or other state agency whose appointments
11 are made by the governor or are required by law to be
12 confirmed by the senate;

13 (8) Judges, referees, receivers, masters, jurors, notaries
14 public, land court examiners, court commissioners, and
15 attorneys appointed by a state court for a special
16 temporary service;

17 (9) One bailiff for the chief justice of the supreme court
18 who shall have the powers and duties of a court
19 officer and bailiff under section 606-14; one
20 secretary or clerk for each justice of the supreme
21 court, each judge of the intermediate appellate court,



1 and each judge of the circuit court; one secretary for
2 the judicial council; one deputy administrative
3 director of the courts; three law clerks for the chief
4 justice of the supreme court, two law clerks for each
5 associate justice of the supreme court and each judge
6 of the intermediate appellate court, one law clerk for
7 each judge of the circuit court, two additional law
8 clerks for the civil administrative judge of the
9 circuit court of the first circuit, two additional law
10 clerks for the criminal administrative judge of the
11 circuit court of the first circuit, one additional law
12 clerk for the senior judge of the family court of the
13 first circuit, two additional law clerks for the civil
14 motions judge of the circuit court of the first
15 circuit, two additional law clerks for the criminal
16 motions judge of the circuit court of the first
17 circuit, and two law clerks for the administrative
18 judge of the district court of the first circuit; and
19 one private secretary for the administrative director
20 of the courts, the deputy administrative director of
21 the courts, each department head, each deputy or first



1 assistant, and each additional deputy, or assistant
2 deputy, or assistant defined in paragraph (16);

3 (10) First deputy and deputy attorneys general, the
4 administrative services manager of the department of
5 the attorney general, one secretary for the
6 administrative services manager, an administrator and
7 any support staff for the criminal and juvenile
8 justice resources coordination functions, and law
9 clerks;

10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel,
13 not more than twenty noncertificated
14 administrative, professional, and technical
15 personnel not engaged in instructional work;

16 (B) Effective July 1, 2003, teaching assistants,
17 educational assistants, bilingual/bicultural
18 school-home assistants, school psychologists,
19 psychological examiners, speech pathologists,
20 athletic health care trainers, alternative school
21 work study assistants, alternative school



1 educational/supportive services specialists,
2 alternative school project coordinators, and
3 communications aides in the department of
4 education;

5 (C) The special assistant to the state librarian and
6 one secretary for the special assistant to the
7 state librarian; and

8 (D) Members of the faculty of the University of
9 Hawaii, including research workers, extension
10 agents, personnel engaged in instructional work,
11 and administrative, professional, and technical
12 personnel of the university;

13 (12) Employees engaged in special, research, or
14 demonstration projects approved by the governor;

15 (13) (A) Positions filled by inmates, patients of state
16 institutions, persons with severe physical or
17 mental disabilities participating in the work
18 experience training programs;

19 (B) Positions filled with students in accordance with
20 guidelines for established state employment
21 programs; and



(C) Positions that provide work experience training or temporary public service employment that are filled by persons entering the workforce or persons transitioning into other careers under programs such as the federal Workforce Investment Act of 1998, as amended, or the Senior Community Service Employment Program of the Employment and Training Administration of the United States Department of Labor, or under other similar state programs;

(14) A custodian or guide at Iolani Palace, the Royal Mausoleum, and Hulihee Palace;

(15) Positions filled by persons employed on a fee, contract, or piecework basis, who may lawfully perform their duties concurrently with their private business or profession or other private employment and whose duties require only a portion of their time, if it is impracticable to ascertain or anticipate the portion of time to be devoted to the service of the State;

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner



1 provided in section 6, article V, of the Hawaii State
2 Constitution; three additional deputies or assistants
3 either in charge of the highways, harbors, and
4 airports divisions or other functions within the
5 department of transportation as may be assigned by the
6 director of transportation, with the approval of the
7 governor; four additional deputies in the department
8 of health, each in charge of one of the following:
9 behavioral health, environmental health, hospitals,
10 and health resources administration, including other
11 functions within the department as may be assigned by
12 the director of health, with the approval of the
13 governor; two additional deputies either in charge of
14 the law enforcement programs, administration, or other
15 functions within the department of law enforcement as
16 may be assigned by the director of law enforcement,
17 with the approval of the governor; three additional
18 deputies each in charge of the correctional
19 institutions, rehabilitation services and programs,
20 and administration or other functions within the
21 department of corrections and rehabilitation as may be



1 assigned by the director of corrections and
2 rehabilitation, with the approval of the governor; an
3 administrative assistant to the state librarian; and
4 an administrative assistant to the superintendent of
5 education;

6 (17) Positions specifically exempted from this part by any
7 other law; provided that:

8 (A) Any exemption created after July 1, 2014, shall
9 expire three years after its enactment unless
10 affirmatively extended by an act of the
11 legislature; and

12 (B) All of the positions defined by paragraph (9)
13 shall be included in the position classification
14 plan;

15 (18) Positions in the state foster grandparent program and
16 positions for temporary employment of senior citizens
17 in occupations in which there is a severe personnel
18 shortage or in special projects;

19 (19) Household employees at the official residence of the
20 president of the University of Hawaii;



- 1 (20) Employees in the department of education engaged in
2 the supervision of students during meal periods in the
3 distribution, collection, and counting of meal
4 tickets, and in the cleaning of classrooms after
5 school hours on a less than half-time basis;
- 6 (21) Employees hired under the tenant hire program of the
7 Hawaii public housing authority; provided that not
8 more than twenty-six per cent of the authority's
9 workforce in any housing project maintained or
10 operated by the authority shall be hired under the
11 tenant hire program;
- 12 (22) Positions of the federally funded expanded food and
13 nutrition program of the University of Hawaii that
14 require the hiring of nutrition program assistants who
15 live in the areas they serve;
- 16 (23) Positions filled by persons with severe disabilities
17 who are certified by the state vocational
18 rehabilitation office that they are able to perform
19 safely the duties of the positions;
- 20 (24) The sheriff;



- 1 (25) A gender and other fairness coordinator hired by the
2 judiciary;
- 3 (26) Positions in the Hawaii National Guard youth and adult
4 education programs;
- 5 (27) In the state energy office in the department of
6 business, economic development, and tourism, all
7 energy program managers, energy program specialists,
8 energy program assistants, and energy analysts;
- 9 (28) Administrative appeals hearing officers in the
10 department of human services;
- 11 (29) In the Med-QUEST division of the department of human
12 services, the division administrator, finance officer,
13 health care services branch administrator, medical
14 director, and clinical standards administrator;
- 15 (30) In the director's office of the department of human
16 services, the enterprise officer, information security
17 and privacy compliance officer, security and privacy
18 compliance engineer, and security and privacy
19 compliance analyst;
- 20 (31) The Alzheimer's disease and related dementia services
21 coordinator in the executive office on aging;



[+] (32) [+] In the Hawaii emergency management agency, the executive officer, public information officer, civil defense administrative officer, branch chiefs, and emergency operations center state warning point personnel; provided that, for state warning point personnel, the director shall determine that recruitment through normal civil service recruitment procedures would result in delay or noncompliance; and

[+] (33) [+] The executive director and seven full-time administrative positions of the school facilities authority.

The director shall determine the applicability of this section to specific positions.

Nothing in this section shall be deemed to affect the civil service status of any incumbent as it existed on July 1, 1955."

SECTION 25. Section 84-18, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

"(e) Subject to the restrictions imposed in subsections (a) through (d), the following individuals shall not represent any person or business for a fee or other consideration regarding any legislative action or administrative action, as



1 defined in section 97-1, for twelve months after termination
2 from their respective positions:

3 (1) The governor;

4 (2) The lieutenant governor;

5 (3) The administrative director of the State;

6 (4) The attorney general;

7 (5) The comptroller;

8 (6) The chairperson of the board of agriculture;

9 (7) The director of finance;

10 (8) The director of business, economic development, and
11 tourism;

12 (9) The director of commerce and consumer affairs;

13 (10) The adjutant general;

14 (11) The superintendent of education;

15 (12) The chairperson of the Hawaiian homes commission;

16 (13) The director of health;

17 (14) The director of human resources development;

18 (15) The director of human services;

19 (16) The director of labor and industrial relations;

20 (17) The chairperson of the board of land and natural
21 resources;



- 1 (18) The director of public safety;
- 2 (19) The director of taxation;
- 3 (20) The director of transportation;
- 4 (21) The president of the University of Hawaii;
- 5 (22) The executive administrator of the board of regents of
- 6 the University of Hawaii;
- 7 (23) The administrator of the office of Hawaiian affairs;
- 8 (24) The chief information officer;
- 9 (25) The executive director of the agribusiness development
- 10 corporation;
- 11 (26) The executive director of the campaign spending
- 12 commission;
- 13 (27) The executive director of the Hawaii community
- 14 development authority;
- 15 (28) The executive director of the Hawaii housing finance
- 16 and development corporation;
- 17 (29) The president and chief executive officer of the
- 18 Hawaii tourism authority;
- 19 (30) The executive officer of the public utilities
- 20 commission;
- 21 (31) The state auditor;



- 1 (32) The director of the legislative reference bureau;
- 2 (33) The ombudsman;
- 3 (34) The permanent employees of the legislature, other than
- 4 persons employed in clerical, secretarial, or similar
- 5 positions;
- 6 (35) The administrative director of the courts;
- 7 (36) The executive director of the state ethics commission;
- 8 (37) The executive officer of the state land use
- 9 commission;
- 10 (38) The executive director of the natural energy
- 11 laboratory of Hawaii authority;
- 12 (39) The executive director of the Hawaii public housing
- 13 authority; [and]
- 14 (40) The first deputy to the chairperson of the commission
- 15 on water resource management;
- 16 (41) The director of law enforcement; and
- 17 (42) The director of corrections and rehabilitation;
- 18 provided that this subsection shall not apply to any person who
- 19 has held one of the positions listed above only on an interim or
- 20 acting basis and for a period of less than one hundred eighty-
- 21 one days."



1 SECTION 26. Chapter 353, Hawaii Revised Statutes, is
2 amended by amending its title to read as follows:

3 "CHAPTER 353

4 CORRECTIONS AND REHABILITATION"

5 SECTION 27. Section 846-2.7, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

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

8 (1) The department of health or its designee on operators
9 of adult foster homes for individuals with
10 developmental disabilities or developmental
11 disabilities domiciliary homes and their employees, as
12 provided by section 321-15.2;

13 (2) The department of health or its designee on
14 prospective employees, persons seeking to serve as
15 providers, or subcontractors in positions that place
16 them in direct contact with clients when providing
17 non-witnessed direct mental health or health care
18 services as provided by section 321-171.5;

19 (3) The department of health or its designee on all
20 applicants for licensure or certification for,
21 operators for, prospective employees, adult



1 volunteers, and all adults, except adults in care, at
2 healthcare facilities as defined in section 321-15.2;

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

7 (5) The counties on employees and prospective employees
8 who may be in positions that place them in close
9 proximity to children in recreation or child care
10 programs and services;

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

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

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



- 1 (9) The department of human services on prospective
2 adoptive parents as established under section 346-19.7;
- 3 (10) The department of human services or its designee on
4 applicants to operate child care facilities, household
5 members of the applicant, prospective employees of the
6 applicant, and new employees and household members of
7 the provider after registration or licensure as
8 provided by section 346-154, and persons subject to
9 section 346-152.5;
- 10 (11) The department of human services on persons exempt
11 pursuant to section 346-152 to be eligible to provide
12 child care and receive child care subsidies as
13 provided by section 346-152.5;
- 14 (12) The department of health on operators and employees of
15 home and community-based case management agencies and
16 operators and other adults, except for adults in care,
17 residing in community care foster family homes as
18 provided by section 321-15.2;
- 19 (13) The department of human services on staff members of
20 the Hawaii youth correctional facility as provided by
21 section 352-5.5;



- 1 (14) The department of human services on employees,
2 prospective employees, and volunteers of contracted
3 providers and subcontractors in positions that place
4 them in close proximity to youth when providing
5 services on behalf of the office or the Hawaii youth
6 correctional facility as provided by section 352D-4.3;
- 7 (15) The judiciary on employees and applicants at detention
8 and shelter facilities as provided by section 571-34;
- 9 (16) The department of [~~public safety~~] corrections and
10 rehabilitation on employees and prospective employees
11 who are directly involved with the treatment and care
12 of persons committed to a correctional facility [~~or~~
13 ~~who possess~~] as provided by section 353-D and the
14 department of law enforcement on employees and
15 prospective employees whose duties involve or may
16 involve the exercise of police powers including the
17 power of arrest as provided by section 353C-5;
- 18 (17) The board of private detectives and guards on
19 applicants for private detective or private guard
20 licensure as provided by section 463-9;



1 (18) Private schools and designated organizations on
2 employees and prospective employees who may be in
3 positions that necessitate close proximity to
4 children; provided that private schools and designated
5 organizations receive only indications of the states
6 from which the national criminal history record
7 information was provided pursuant to section 302C-1;

8 (19) The public library system on employees and prospective
9 employees whose positions place them in close
10 proximity to children as provided by section
11 302A-601.5;

12 (20) The State or any of its branches, political
13 subdivisions, or agencies on applicants and employees
14 holding a position that has the same type of contact
15 with children, vulnerable adults, or persons committed
16 to a correctional facility as other public employees
17 who hold positions that are authorized by law to
18 require criminal history record checks as a condition
19 of employment as provided by section 78-2.7;

20 (21) The department of health on licensed adult day care
21 center operators, employees, new employees,



1 subcontracted service providers and their employees,
2 and adult volunteers as provided by section 321-15.2;

3 (22) The department of human services on purchase of
4 service contracted and subcontracted service providers
5 and their employees serving clients of the adult
6 protective and community services branch, as provided
7 by section 346-97;

8 (23) The department of human services on foster grandparent
9 program, senior companion program, and respite
10 companion program participants as provided by section
11 346-97;

12 (24) The department of human services on contracted and
13 subcontracted service providers and their current and
14 prospective employees that provide home and community-
15 based services under section 1915(c) of the Social
16 Security Act, title 42 United States Code section
17 1396n(c), or under any other applicable section or
18 sections of the Social Security Act for the purposes
19 of providing home and community-based services, as
20 provided by section 346-97;



- 1 (25) The department of commerce and consumer affairs on
2 proposed directors and executive officers of a bank,
3 savings bank, savings and loan association, trust
4 company, and depository financial services loan
5 company as provided by section 412:3-201;
- 6 (26) The department of commerce and consumer affairs on
7 proposed directors and executive officers of a
8 nondepository financial services loan company as
9 provided by section 412:3-301;
- 10 (27) The department of commerce and consumer affairs on the
11 original chartering applicants and proposed executive
12 officers of a credit union as provided by section
13 412:10-103;
- 14 (28) The department of commerce and consumer affairs on:
- 15 (A) Each principal of every non-corporate applicant
16 for a money transmitter license;
- 17 (B) Each person who upon approval of an application
18 by a corporate applicant for a money transmitter
19 license will be a principal of the licensee; and
- 20 (C) Each person who upon approval of an application
21 requesting approval of a proposed change in



1 control of licensee will be a principal of the
2 licensee,
3 as provided by sections 489D-9 and 489D-15;
4 (29) The department of commerce and consumer affairs on
5 applicants for licensure and persons licensed under
6 title 24;
7 (30) The Hawaii health systems corporation on:
8 (A) Employees;
9 (B) Applicants seeking employment;
10 (C) Current or prospective members of the corporation
11 board or regional system board; or
12 (D) Current or prospective volunteers, providers, or
13 contractors,
14 in any of the corporation's health facilities as
15 provided by section 323F-5.5;
16 (31) The department of commerce and consumer affairs on:
17 (A) An applicant for a mortgage loan originator
18 license, or license renewal; and
19 (B) Each control person, executive officer, director,
20 general partner, and managing member of an



- 1 applicant for a mortgage loan originator company
2 license or license renewal,
3 as provided by chapter 454F;
- 4 (32) The state public charter school commission or public
5 charter schools on employees, teacher trainees,
6 prospective employees, and prospective teacher
7 trainees in any public charter school for any position
8 that places them in close proximity to children, as
9 provided in section 302D-33;
- 10 (33) The counties on prospective employees who work with
11 children, vulnerable adults, or senior citizens in
12 community-based programs;
- 13 (34) The counties on prospective employees for fire
14 department positions that involve contact with
15 children or vulnerable adults;
- 16 (35) The counties on prospective employees for emergency
17 medical services positions that involve contact with
18 children or vulnerable adults;
- 19 (36) The counties on prospective employees for emergency
20 management positions and community volunteers whose
21 responsibilities involve planning and executing



1 homeland security measures including viewing,
2 handling, and engaging in law enforcement or
3 classified meetings and assisting vulnerable citizens
4 during emergencies or crises;

5 (37) The State and counties on employees, prospective
6 employees, volunteers, and contractors whose position
7 responsibilities require unescorted access to secured
8 areas and equipment related to a traffic management
9 center;

10 (38) The State and counties on employees and prospective
11 employees whose positions involve the handling or use
12 of firearms for other than law enforcement purposes;

13 (39) The State and counties on current and prospective
14 systems analysts and others involved in an agency's
15 information technology operation whose position
16 responsibilities provide them with access to
17 proprietary, confidential, or sensitive information;

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

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



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

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

(41) The department of health or its designee on all license applicants, licensees, employees, contractors, and prospective employees of medical cannabis dispensaries, and individuals permitted to enter and remain in medical cannabis dispensary facilities as provided under sections 329D-15(a)(4) and 329D-16(a)(3);

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

(43) The county police departments on applicants for permits to acquire firearms pursuant to section 134-2



1 and on individuals registering their firearms pursuant
2 to section 134-3;

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

4 (A) Each of the controlling persons of the applicant
5 for licensure as an escrow depository, and each
6 of the officers, directors, and principals who
7 will be in charge of the escrow depository's
8 activities upon licensure; and

9 (B) Each of the controlling persons of an applicant
10 for proposed change in control of an escrow
11 depository licensee, and each of the officers,
12 directors, and principals who will be in charge
13 of the licensee's activities upon approval of the
14 application,

15 as provided by chapter 449;

16 (45) The department of taxation on current or prospective
17 employees or contractors who have access to federal
18 tax information in order to comply with requirements
19 of federal law, regulation, or procedure, as provided
20 by section 231-1.6;



- 1 (46) The department of labor and industrial relations on
2 current or prospective employees or contractors who
3 have access to federal tax information in order to
4 comply with requirements of federal law, regulation,
5 or procedure, as provided by section 383-110;
- 6 (47) The department of human services on current or
7 prospective employees or contractors who have access
8 to federal tax information in order to comply with
9 requirements of federal law, regulation, or procedure,
10 as provided by section 346-2.5;
- 11 (48) The child support enforcement agency on current or
12 prospective employees or contractors who have access
13 to federal tax information in order to comply with
14 federal law, regulation, or procedure, as provided by
15 section 576D-11.5;
- 16 (49) The department of the attorney general on current or
17 prospective employees or employees or agents of
18 contractors who have access to federal tax information
19 to comply with requirements of federal law,
20 regulation, or procedure, as provided by section 28-
21 17;



[+] (50) [+] The department of commerce and consumer affairs on each control person, executive officer, director, general partner, and managing member of an installment loan licensee, or an applicant for an installment loan license, as provided in chapter 480J;

[+] (51) [+] The University of Hawaii on current and prospective employees and contractors whose duties include ensuring the security of campus facilities and persons; and

[+] (52) [+] Any other organization, entity, or the State, its branches, political subdivisions, or agencies as may be authorized by state law."

SECTION 28. (a) Sections 202-10, 304A-1751, 304A-1752, 304A-1753, 304A-1754, 321-193.5, 329B-2.5, 351-11, 352-10, 353-1, 353-6.5, 353-8, 353-10, 353-10.5, 353-11.5, 353-13.1, 353-13.4, 353-16.37, 353-63.5, 353-131, 353-137, 353E-1, 353E-2, 353G-2, 353G-3, 353G-4, 353G-5, 353G-6, 353G-13, 353G-14, 353G-16, 353H-2, 353H-2.5, 353H-3, 353H-4, 353H-6, 353H-7, 353H-8, 353H-31, 353H-32, 353L-3, 353L-5, 354D-1, 354D-2, 354D-8, 367D-2, 367D-8, 378-2.5, 706-604, 706-646, 706-667, 706-668.5, 706-669, 706-670, 706-670.5, 706-672, 706-673, 801D-4, 804-7, 844D-



1 34, 844D-38, 844D-82, 844D-111, 846-11, 846-54, and 846E-1,
2 Hawaii Revised Statutes, are amended by substituting the phrase
3 "department of corrections and rehabilitation", or similar term,
4 wherever the phrase "department of public safety", or similar
5 term, appears.

6 (b) Sections 134-2, 321-193.5, 334-74, 346-29, 351-62.5,
7 351-70, 353-10, 353-10.5, 353-15, 353-16.5, 353-22.6, 353-22.8,
8 353-32, 353-63, 353-63.5, 353-65, 353-72, 353-101, 353-137,
9 353B-3, 353D-4, 353H-5, 353H-7, 353H-31, 354D-2, 355-4, 355-5,
10 355D-4, 355D-5, 367D-2, 367D-3, 367D-4, 367D-5, 706-656, 706-
11 672, 707-731, 707-732, 804-7, 832-23, and 844D-61, Hawaii
12 Revised Statutes, are amended by substituting the phrase
13 "director of corrections and rehabilitation", or similar term,
14 wherever the phrase "director of public safety", or similar
15 term, appears, as the context requires.

16 (c) Sections 353-10 and 353-12.5, Hawaii Revised Statutes,
17 are amended by substituting the phrase "department of
18 corrections and rehabilitation's", or similar term, wherever the
19 phrase "department of public safety's", or similar term,
20 appears, as the context requires.

21 PART V



1 SECTION 29. All rights, powers, functions, and duties of
2 the employees of the investigations division of the department
3 of the attorney general performing non-statutorily mandated
4 functions are transferred to the department of law enforcement.

5 SECTION 30. All rights, powers, functions, and duties of
6 the employees of the state office of homeland security are
7 transferred to the department of law enforcement.

8 SECTION 31. All rights, powers, functions, and duties of
9 the employees of the department of transportation performing law
10 enforcement functions and related employees are transferred to
11 the department of law enforcement.

12 SECTION 32. Section 26-21, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) The department of defense shall be headed by a single
15 executive to be known as the adjutant general. The adjutant
16 general shall also be the director of the Hawaii emergency
17 management agency as established in section 127A-3 [~~and the~~
18 ~~director of homeland security~~].

19 The department shall be responsible for the defense of the
20 State and its people from mass violence, originating from either
21 human or natural causes.



1 The devolution of command of the military forces in the
2 absence of the adjutant general shall be within the military
3 establishment. The devolution of command of the Hawaii
4 emergency management agency in the absence of the adjutant
5 general, as director of the agency, shall be within the agency."

6 SECTION 33. Section 128A-2, Hawaii Revised Statutes, is
7 amended by amending the definition of "director of homeland
8 security" or "director" to read as follows:

9 "~~"Director of homeland security" or "direector"~~ "Director"
10 means the ~~[adjutant general.]~~ director of law enforcement."

11 SECTION 34. Section 128A-3, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) There shall be established within the department of
14 ~~[defense]~~ law enforcement an office of homeland security. The
15 director ~~[of homeland security]~~ shall employ appropriate
16 personnel and make expenditures as may be necessary to carry out
17 this chapter. The director shall appoint an administrator of
18 homeland security who shall be exempt from chapter 76, subject
19 to removal by the director, and receive compensation as the
20 director may determine."



SECTION 35. Section 128B-1, Hawaii Revised Statutes, is amended by amending subsections (a) and (b) to read as follows:

"(a) There is established the full-time Hawaii cybersecurity, economic, education, and infrastructure security coordinator to oversee cybersecurity and cyber resiliency matters, including cybersecurity, economic, education, and infrastructure security for the State. The coordinator shall be placed within the ~~[state]~~ department of ~~[defense-]~~ law enforcement.

(b) The coordinator shall be selected by the ~~[state adjutant-general]~~ director of law enforcement based on the recommendations of the various agencies, departments, and private entities that will partner with the coordinator."

SECTION 36. Section 139-1, Hawaii Revised Statutes, is amended by amending the definition of "law enforcement officer" to read as follows:

"Law enforcement officer" means:

(1) A police officer employed by a county police department;

(2) ~~[A public safety officer employed by the department of public safety-]~~ An employee of the department of law



1 enforcement conferred with police powers by the
2 director of law enforcement; or

3 (3) An employee of the [~~department of transportation,~~
4 department of land and natural resources, department
5 of taxation, or department of the attorney general who
6 is conferred by law with general police powers."

7 SECTION 37. Section 139-2, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) There is established the law enforcement standards
10 board within the department of the attorney general for
11 administrative purposes only. The purpose of the board shall be
12 to provide programs and standards for training and certification
13 of law enforcement officers. The law enforcement standards
14 board shall consist of the following voting members: [~~nine~~]
15 eight ex officio individuals, two law enforcement officers, and
16 four members of the public.

17 (1) The [~~nine~~] eight ex officio members of the board shall
18 consist of the:

19 (A) Attorney general;

20 (B) Director of [~~public safety;~~] law enforcement;



- 1 ~~[(C) Director of transportation or the director's~~
2 ~~designee;~~
- 3 ~~(D)]~~ (C) Chairperson of the board of land and natural
4 resources or chairperson's designee;
- 5 ~~[(E)]~~ (D) Director of taxation or the director's
6 designee; and
- 7 ~~[(F)]~~ (E) Chiefs of police of the four counties;
- 8 (2) The two law enforcement officers shall each have at
9 least ten years of experience as a law enforcement
10 officer and shall be appointed by the governor; and
- 11 (3) The four members of the public shall consist of one
12 member of the public from each of the four counties
13 and shall be appointed by the governor. At least two
14 of the four members of the public holding a position
15 on the board at any given time shall:
- 16 (A) Possess a master's or doctorate degree related to
17 criminal justice;
- 18 (B) Possess a law degree and have experience:
- 19 (i) Practicing in Hawaii as a deputy attorney
20 general, a deputy prosecutor, deputy public



1 defender, or private criminal defense

2 attorney; or

3 (ii) Litigating constitutional law issues in
4 Hawaii;

5 (C) Be a recognized expert in the field of criminal
6 justice, policing, or security; or

7 (D) Have work experience in a law enforcement
8 capacity; provided that experience in a county
9 police department shall not itself be sufficient
10 to qualify under this paragraph."

11 SECTION 38. Section 139-7, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

13 "(a) No person shall be appointed or employed as a law
14 enforcement officer by any county police department, the
15 department of [~~public safety, the department of transportation,~~
16 law enforcement, the department of land and natural resources,
17 the department of taxation, or the department of the attorney
18 general, unless the person possesses a valid certification
19 issued by the board pursuant to section 139-6(b)."

20 SECTION 39. Section 266-24, Hawaii Revised Statutes, is
21 amended by amending subsection (a) to read as follows:



1 "(a) ~~[The director of transportation shall enforce this~~
2 ~~chapter and all rules thereunder, except for the rules relative~~
3 ~~to the control and management of the beaches encumbered with~~
4 ~~easements in favor of the public and ocean waters, which shall~~
5 ~~be enforced by the department of land and natural resources.~~
6 ~~For the purpose of the enforcement of this chapter and of all~~
7 ~~rules adopted pursuant to this chapter, the powers of police~~
8 ~~officers are conferred upon the director of transportation and~~
9 ~~any officer, employee, or representative of the department of~~
10 ~~transportation. Without limiting the generality of the~~
11 ~~foregoing, the director and any person appointed by the director~~
12 ~~hereunder may serve and execute warrants, arrest offenders, and~~
13 ~~serve notices and orders. The director of transportation and~~
14 ~~any employee, agent, or representative of the department of~~
15 ~~transportation appointed as enforcement officers by the~~
16 ~~director, and every]~~ Every state and county officer charged with
17 the enforcement of any law, statute, rule, regulation,
18 ordinance, or order, shall enforce and assist in the enforcement
19 of this chapter and of all rules and orders issued pursuant
20 thereto, and in carrying out the responsibilities hereunder,
21 each shall be specifically authorized to:



(1) Conduct any enforcement action hereunder in any commercial harbor area and any area over which the department of transportation and the director of transportation has jurisdiction under this chapter;

(2) Inspect and examine at reasonable hours any premises, and the buildings and other structures thereon, where harbors or harbor facilities are situated, or where harbor-related activities are operated or conducted; and

(3) ~~[Subject to limitations as may be imposed by the director of transportation, serve and execute warrants, arrest offenders, and serve]~~ Serve notices and orders.

~~[Any employee appointed as a law enforcement officer by the director of transportation pursuant to this section who has been qualified by training may use electric guns, as specifically provided in section 134-87, when exercising powers of police officers and carrying out the responsibilities described herein, provided that training for the purposes of this section means a course of instruction or training in the use of any electric gun that is provided, authorized, or approved by the manufacturer of~~



1 ~~the electric gun prior to deployment or issuance of electric~~
2 ~~guns and related equipment.~~

3 ~~For purposes of this subsection, "agent" and~~
4 ~~"representative" includes but is not limited to persons~~
5 ~~performing services at harbors or harbor areas under contract~~
6 ~~with the department of transportation.] "~~

7 SECTION 40. 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, electric foot scooter, 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;

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,]~~ law enforcement; or



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

~~(4) Department of transportation division of harbors law enforcement vehicles with blue and red lamps, reflectors, or illumination devices authorized and approved by the director of transportation].~~

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

SECTION 41. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of "authorized emergency vehicle" to read as follows:

"Authorized emergency vehicle" includes fire department vehicles, police vehicles, ambulances, ocean safety vehicles, ~~[public safety]~~ law enforcement vehicles, and conservation and resources enforcement vehicles~~[-and department of transportation division of harbors law enforcement vehicles]~~ authorized and approved pursuant to section 291-31.5 that are



1 publicly owned and other publicly or privately owned vehicles
2 designated as such by a county council."

3 PART VI

4 SECTION 42. All employees who occupy civil service
5 positions and whose functions are transferred by this Act shall
6 retain their civil service status (permanent or temporary).
7 Employees shall be transferred without loss of salary, seniority
8 (except as prescribed by collective bargaining agreements),
9 retention points, prior service credit, any vacation and sick
10 leave credits previously earned, and other rights, benefits, and
11 privileges, in accordance with state personnel laws and this
12 Act; provided that the employees possess the minimum
13 qualifications and public employment requirements for the class
14 or position to which transferred or appointed, as applicable;
15 provided further that subsequent changes in status may be made
16 pursuant to applicable civil service and compensation laws.

17 Any employee who, before this Act, is exempt from civil
18 service and is transferred as a consequence of this Act may
19 continue to retain the employee's exempt status but shall not be
20 appointed to a civil service position because of this Act. An
21 exempt employee who is transferred by this Act shall not suffer



1 any loss of prior service credit, any vacation and sick leave
2 credits previously earned, or other employee benefits or
3 privileges as a consequence of this Act; provided that the
4 employee possesses legal and public employment requirements for
5 the position to which transferred or appointed, as applicable;
6 provided further that subsequent changes in status may be made
7 pursuant to applicable employment and compensation laws. The
8 director of the department to which the employee is transferred
9 may prescribe the duties and qualifications of such employees
10 and fix their salaries without regard to chapter 76, Hawaii
11 Revised Statutes.

12 SECTION 43. All appropriations, records, equipment,
13 machines, files, supplies, contracts, books, papers, documents,
14 maps, and other personal property heretofore made, used,
15 acquired, or held by the department of transportation,
16 department of the attorney general, department of public safety,
17 and department of defense relating to the functions transferred
18 to the department of law enforcement or department of
19 corrections and rehabilitation shall be transferred with the
20 functions to which they relate.



1 SECTION 44. All leases, contracts, loans, agreements,
2 permits, or other documents executed or entered into by or on
3 behalf of the department of transportation, department of public
4 safety, department of the attorney general, and department of
5 defense pursuant to the provisions of the Hawaii Revised
6 Statutes that are reenacted or made applicable to the department
7 of law enforcement or department of corrections and
8 rehabilitation by this Act shall remain in full force and
9 effect. Effective January 1, 2023, every reference to the
10 department of public safety or the director of public safety in
11 those leases, contracts, loans, agreements, permits, or other
12 documents shall be construed as a reference to the department of
13 law enforcement or the director of law enforcement, or the
14 department of corrections and rehabilitation or the director of
15 corrections and rehabilitation, as appropriate. Effective
16 July 1, 2023, every reference to the department of
17 transportation or the director of transportation, the department
18 of the attorney general or the attorney general, or the
19 department of defense or the state adjutant general in those
20 leases, contracts, loans, agreements, permits, or other
21 documents shall be construed as a reference to the department of



1 law enforcement or the director of law enforcement, as
2 applicable.

3 SECTION 45. All rules, policies, procedures, guidelines,
4 and other material adopted or developed by the department of
5 transportation, department of the attorney general, department
6 of public safety, or the department of defense to implement
7 provisions of the Hawaii Revised Statutes that are reenacted or
8 made applicable to the department of law enforcement or the
9 department of corrections and rehabilitation by this Act shall
10 remain in full force and effect until amended or repealed by the
11 department of law enforcement or department of corrections and
12 rehabilitation pursuant to chapter 91, Hawaii Revised Statutes.
13 In the interim, every reference to the department of
14 transportation or director of transportation, department of the
15 attorney general or attorney general, department of defense or
16 state adjutant general, department of public safety or director
17 of public safety, in those rules, policies, procedures,
18 guidelines, and other material is amended to refer to the
19 department of law enforcement or director of law enforcement, or
20 department of corrections and rehabilitation or director of
21 corrections and rehabilitation, as appropriate.



1 SECTION 46. No offense committed and no penalty or
2 forfeiture incurred under the law shall be affected by this Act;
3 provided that whenever any punishment, penalty, or forfeiture is
4 mitigated by any provision of this Act, such provision may be
5 extended and applied to any judgment pronounced after the
6 passage of this Act. No suit or prosecution pending at the time
7 this Act takes effect shall be affected by this Act. The right
8 of any administrative officer whose function is transferred by
9 this Act to the department of law enforcement or department of
10 corrections and rehabilitation as the case may be, to institute
11 proceedings for prosecution for an offense or an action to
12 recover a penalty or forfeiture shall be vested in the director
13 of law enforcement, director of corrections and rehabilitation,
14 or the respective director's designee as may be appropriate.

15 SECTION 47. The right of appeal from administrative
16 actions or determinations as provided by law shall not be
17 impaired by this Act. Except as otherwise provided by this Act,
18 whenever a right of appeal from administrative actions or
19 determinations is provided by law to or from any officer, board,
20 department, bureau, commission, administrative agency, or
21 instrumentality of the State that, or any of the programs of



1 which, is transferred by this Act to the department of law
2 enforcement or department of corrections and rehabilitation, as
3 the case may be, the right of appeal shall lie to or from the
4 department of law enforcement or department of corrections and
5 rehabilitation, as the case may be, when the transfer is made.
6 The right of appeal shall exist to the same extent and in
7 accordance with the applicable procedures that are in effect
8 immediately before the effective date of the applicable part.

9 If the provisions of the preceding paragraph relating to
10 appeals cannot be effected by reason of abolishment, splitting,
11 or shifting of functions or otherwise, the right of appeal shall
12 lie to the circuit court of the State pursuant to the Hawaii
13 rules of civil procedure.

14 SECTION 48. It is the intent of this Act not to jeopardize
15 the receipt of any federal aid nor to impair the obligation of
16 the State or any agency thereof to the holders of any bond
17 issued by the State or by any such agency, and to the extent,
18 and only to the extent, necessary to effectuate this intent, the
19 governor is authorized and empowered to modify the strict
20 provisions of this Act, but shall promptly report any such



1 modifications with his reasons therefor to the legislature at
2 its next session thereafter for review by the legislature.

3 SECTION 49. The revisor of statutes may incorporate into
4 the Hawaii Revised Statutes, any of the provisions contained in
5 this Act. The revisor of statutes shall substitute the
6 appropriate department of corrections and rehabilitation or
7 department of law enforcement reference in all existing statutes
8 where a department, board, commission, agency, program, or
9 organizational segment is transferred to the department of
10 corrections and rehabilitation or department of law enforcement
11 if such existing statutory language has not been amended by this
12 Act.

13 SECTION 50. All laws and parts of laws heretofore enacted
14 that are in conflict with the provisions of this Act are hereby
15 amended to conform herewith. All Acts passed during this
16 regular session of 2022, whether enacted before or after the
17 passage of this Act, shall be amended to conform to this Act,
18 unless such Acts specifically provide that the Act relating to a
19 "department of public safety" are being amended. Amendments
20 made to sections of the Hawaii Revised Statutes that are amended
21 by this Act as of a future effective date shall include



1 amendments made after the approval of this Act and before the
2 effective date of the amendments made by this Act, to the extent
3 that the intervening amendments may be harmonized with the
4 amendments made by this Act.

5 PART VII

6 SECTION 51. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$ or so
8 much thereof as may be necessary for fiscal year 2022-2023 for
9 the purposes of this Act, including the establishment, hiring,
10 and filling of positions within the department of law
11 enforcement as follows:

12 (1) \$ for one full-time equivalent (1.0 FTE)
13 permanent director position;

14 (2) \$ for two full-time equivalent (2.0 FTE)
15 permanent deputy director positions;

16 (3) \$ for three full-time equivalent (3.0 FTE)
17 permanent private secretary positions;

18 (4) \$ for one full-time equivalent (1.0 FTE)
19 permanent special assistant position;

20 (5) \$ for one full-time equivalent (1.0 FTE)
21 permanent administrative services officer position;



1 (6) \$ for one full-time equivalent (1.0 FTE)
2 permanent human resources officer position;
3 (7) \$ for one full-time equivalent (1.0 FTE)
4 permanent planner position;
5 (8) \$ for eight full-time equivalent (8.0 FTE)
6 permanent administrative services and accounting
7 positions;
8 (9) \$ for nine full-time equivalent (9.0 FTE)
9 permanent information services and technology
10 positions;
11 (10) \$ for four full-time equivalent (4.0 FTE)
12 permanent internal support services positions;
13 (11) \$ for eight full-time equivalent (8.0 FTE)
14 permanent human resources positions;
15 (12) \$ for two full-time equivalent (2.0 FTE)
16 permanent capital improvement project coordinator
17 positions;
18 (13) \$ for four full-time equivalent (4.0 FTE)
19 permanent litigation coordination positions;
20 (14) \$ for nine full-time equivalent (9.0 FTE)
21 permanent training and staffing development positions;



- 1 (15) \$ for six full-time equivalent (6.0 FTE)
2 permanent supervisory deputy sheriff positions;
3 (16) \$ for five full-time equivalent (5.0 FTE)
4 permanent office of homeland security investigator
5 positions;
6 (17) \$ for four full-time equivalent (4.0 FTE)
7 permanent civil rights compliance positions;
8 (18) \$ for one full-time equivalent (1.0 FTE)
9 permanent public information officer position; and
10 (19) \$ for other operation costs.

11 The sum appropriated shall be expended by the department of
12 law enforcement for the purposes of this section.

13 SECTION 52. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$280,782 or so much
15 thereof as may be necessary for fiscal year 2022-2023 for the
16 purposes of this Act, including the establishment, hiring, and
17 filling of positions within the department of corrections and
18 rehabilitation as follows:

- 19 (1) \$40,872 for one full-time equivalent (1.0 FTE)
20 permanent investigator VI position;



- 1 (2) \$113,382 for three full-time equivalent (3.0 FTE)
2 permanent investigator V positions;
3 (3) \$22,362 for one full-time equivalent (1.0 FTE)
4 permanent secretary I position; and
5 (4) \$104,166 for three full-time equivalent (3.0 FTE)
6 permanent adult correctional officer 08 (CO-08)
7 sergeant positions.

8 The sum appropriated shall be expended by the department of
9 corrections and rehabilitation for the purposes of this section.

10 SECTION 53. In codifying the new sections added by section
11 18 and referenced in section 25 of this Act, the revisor of
12 statutes shall substitute appropriate section numbers for the
13 letters used in designating the new sections in this Act.

14 SECTION 54. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 55. This Act shall take effect on July 1, 3000;
17 provided that:

- 18 (1) Parts III and IV shall take effect on January 1, 2023;
19 (2) Part V shall take effect on July 1, 2023;
20 (3) Part VII shall take effect on July 1, 2022; and



1 (4) The amendments made to section 26-52, Hawaii Revised
2 Statutes, by sections 4 and 22 of this Act shall not
3 be repealed when that section is reenacted on June 30,
4 2024, pursuant to section 4 of Act 90, Session Laws of
5 Hawaii 2014.
6



Report Title:

Law Enforcement; Corrections and Rehabilitation; Training Center; DPS; DOT; AG; Office of Homeland Security; Appropriation

Description:

Establishes a department of law enforcement to consolidate and administer criminal law enforcement and investigations functions of the State effective upon approval and reestablishes the department of public safety as an independent department of corrections and rehabilitation to administer the corrections, rehabilitation, and reentry of the inmate population effective 1/1/2023. Transfers the law enforcement functions of the department of public safety to the department of law enforcement effective 1/1/2023, and the law enforcement functions of the department of transportation, the non-statutorily mandated functions of the investigations division of the department of the attorney general, and the office of homeland security to the department of law enforcement effective 7/1/2023. Establishes a training center. Appropriates funds. Effective 7/1/3000. (HD2)

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