

JAN 21 2022

---

# A BILL FOR AN ACT

RELATING TO JUVENILE JUSTICE.

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

1       SECTION 1. The legislature finds that the duties performed  
2 by juvenile probation officers are essential and vital to the  
3 State's juvenile justice system. Juvenile probation officers  
4 address a wide range of complex issues that impact the  
5 well-being of our youth and their families. Probation officers  
6 work collaboratively with community-based partners to develop  
7 and strengthen strategies and programs that offer solutions for  
8 our State. Hawaii's juvenile probation officers are also  
9 committed to practicing restorative justice and enhancing public  
10 safety. Their efforts to transform our juvenile justice system  
11 have resulted in a significant reduction in juvenile crime  
12 across the State.

13       The legislature also finds that juvenile probation officers  
14 are currently classified as social workers within the  
15 judiciary's hiring system. This classification has created  
16 confusion about the role and authority of juvenile probation  
17 officers, including their ability to take minors into custody,



1 administer drug tests, and establish reporting requirements for  
2 earned discharge from probation. Juvenile probation officers do  
3 not currently have access to annual safety training and do not  
4 possess sufficient identification, such as badges, to ensure  
5 their safety in the field.

6 The purpose of this Act is to:

- 7 (1) Require the judiciary to create a separate employment  
8 classification for juvenile probation officers;  
9 (2) Establish minimum procedures for the appointment of  
10 juvenile probation officers; and  
11 (3) Require a report from the judiciary to the legislature  
12 on the status of the implementation of this Act.

13 SECTION 2. Section 571-85, Hawaii Revised Statutes, is  
14 amended to read as follows:

15 **"§571-85 Authority of probation officers; additional**  
16 **probation officers.** (a) Within the scope of their duties,  
17 probation officers appointed under this chapter shall have the  
18 powers and privileges of a police officer. In addition to the  
19 probation officers appointed under section 571-6, the judges of  
20 the family courts may appoint special probation officers who  
21 shall serve without pay but who shall be entitled to be



1 reimbursed for any cost or expense incurred by them in  
2 connection with the performance of their duties as defined by  
3 the judge.

4 (b) All probation officers appointed under this chapter  
5 shall:

6 (1) Take an oath of office pursuant to the Hawaii state  
7 constitution;

8 (2) Be issued a certificate of appointment having the  
9 title "probation officer";

10 (3) Be issued individual badges and identification cards  
11 having the title "probation officer"; and

12 (4) Complete an annual safety training course for which  
13 the curriculum has been approved by the judiciary."

14 SECTION 3. (a) The judiciary shall create a separate  
15 employment classification for juvenile probation officers. All  
16 juvenile probation officers already employed by the judiciary as  
17 of the effective date of this Act shall:

18 (1) Have their status transferred to the new  
19 classification system no later than July 1, 2023; and

20 (2) Complete their first annual safety training course, as  
21 required by section 571-85(b), Hawaii Revised



1 Statutes, within six months of the judiciary's  
2 approval of the curriculum.

3 (b) The judiciary shall also consult with appropriate  
4 labor representatives as specified in the applicable collective  
5 bargaining agreement.

6 SECTION 4. No later than twenty days prior to the  
7 convening of the 2023 and 2024 regular sessions, the judiciary  
8 shall submit a report to the legislature on the status of the  
9 judiciary's implementation of this Act.

10 SECTION 5. New statutory material is underscored.

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

12

INTRODUCED BY: \_\_\_\_\_

*Kal Nham*



# S.B. NO. 2836

**Report Title:**

Juvenile Justice; Probation Officers; Employment Classification; Appointment Process; Collective Bargaining; Report

**Description:**

Requires the Judiciary to create a separate employment classification for juvenile probation officers. Establishes minimum procedures for the appointment of juvenile probation officers. Requires reports to the Legislature on the status of the implementation of this Act.

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

