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1 departments would best accomplish the discrete goals and  
2 objectives of both functions.

3       The legislature further finds state law enforcement  
4 personnel and functions are currently spread across various  
5 departments and also county agencies. The department of public  
6 safety, department of transportation, and the department of  
7 attorney general all have independent law enforcement officers  
8 and different law enforcement duties. Because each department  
9 administers its own law enforcement duties, goals, and  
10 functions, training and operational standards differ between  
11 each department. Accordingly, the reorganization of certain  
12 state law enforcement functions into a single entity would  
13 provide the highest level of law enforcement service for the  
14 public, state employees, and state properties. Consolidation of  
15 law enforcement responsibilities into a single state department  
16 will centralize state law enforcement functions to increase  
17 public safety, improve decision making, promote accountability,  
18 streamline communication, decrease costs, reduce duplication of  
19 efforts, provide uniform training and standards, and promote  
20 uniform standards of law enforcement services.

21       The goals of the department of law enforcement would  
22 include (1) establishing a partnership with the federal Joint

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1 Terrorism Task Force to protect the State from both domestic and  
2 foreign threats; (2) eliminating the narcotics epidemic that  
3 plagues Hawaii's communities through its commitment of  
4 investigators in the federal High Intensity Drug Trafficking  
5 Area task forces; (3) expanding the narcotics canine program;  
6 and (4) reducing gun violence and other violent criminal acts in  
7 island communities through participating in the federal Project  
8 Safe Neighborhoods program.

9 This Act also establishes a training center within the  
10 department of law enforcement to provide all state and county  
11 law enforcement entities the highest level of core and  
12 continuing education and training. The training center will  
13 also be made available to federal law enforcement agencies. The  
14 development of a state law enforcement training center, where  
15 all non-federal law enforcement officers who intend to work on  
16 any island of Hawaii must be certified, will ensure that all law  
17 enforcement officers meet the standards set by the law  
18 enforcement standards board established in chapter 139, Hawaii  
19 Revised Statutes. The center will also ensure that the  
20 individuals who earn its certification have learned the highest  
21 level of core and continuing education and training. The  
22 center's curriculum will be designed to ensure that the

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1 individuals with police powers have the knowledge and skills to  
2 protect and serve the public and will be held accountable if  
3 they do not uphold the standards set by the law enforcement  
4 standards board.

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

14       The legislature intends that patrol officers assigned to  
15 the department of law enforcement shall continue to retain the  
16 title of deputy sheriffs. During the Kingdom of Hawaii,  
17 sheriffs oversaw law enforcement activities on each island under  
18 the supervision of a kingdom-wide marshal. From 1905 to 1960,  
19 sheriffs protected the public as elected county officials,  
20 including Duke Kahanamoku who was elected Honolulu sheriff from  
21 1934 to 1960. Modern-day deputy sheriffs have protected the  
22 people of Hawaii for nearly fifty years, beginning in 1963 when

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1 the legislature created the office of the sheriff within the  
2 department of the attorney general.

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

11 Part II of this Act is to be effective upon approval of  
12 this Act. Part II establishes a department of law enforcement  
13 and its director and deputy directors by amending chapter 26 and  
14 section 76-16, Hawaii Revised Statutes. The department of law  
15 enforcement will initially be staffed by its director, deputy  
16 directors, and certain administrative staff. These personnel  
17 will prepare for the transfer of law enforcement functions and  
18 personnel to the department in two stages to occur later on  
19 January 1, 2023 and July 1, 2023.

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

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1 enforcement by amending chapter 353C and sections 88-21 and 139-  
2 1, Hawaii Revised Statutes. Part III also amends chapter 329  
3 and sections 78-52, 134-81, 139-2, 139-7, 200-27, 291-31.5,  
4 334D-5, 350-1.1, 603-29, 604-6.2, 607-4, 607-8, 633-8, 634-11,  
5 634-12, 634-22, 634-29, 651-1, 652-1.5, 652-2, 652-2.5, 652-2.6,  
6 654-2, 666-11, 666-21, and 844D-38, Hawaii Revised Statutes, to  
7 reflect the transfer of these functions from the department of  
8 public safety to the department of law enforcement.

9 Part IV of this Act is to be effective on January 1, 2023.  
10 Part IV renames the department of public safety as the  
11 department of corrections and rehabilitation and the director of  
12 public safety as the director of corrections and rehabilitation  
13 and establishes its deputy directors by amending sections 26-4,  
14 26-14.6, 26-52, and 76-16, Hawaii Revised Statutes. Part IV  
15 also adds new sections to chapters 353 and repeals sections  
16 353C-4.5, 353C-7, 353C-8, and 353C-8.5, Hawaii Revised Statutes,  
17 so that the authority and responsibilities of the department of  
18 corrections and rehabilitation are set forth in chapter 353,  
19 while the authority and responsibilities of the department of  
20 law enforcement are set forth in chapter 353C. Part IV further  
21 amends sections 134-2, 353-1, 353B-3, 353L-3, 353L-5, 354D-2,  
22 707-732, 801D-4, 804-7, and 846-2.7, Hawaii Revised Statutes, to

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1 reflect the renaming of the department of public safety to the  
2 department of corrections and rehabilitation.

3 Part V of this Act is to be effective on July 1, 2023.

4 Part V transfers the law enforcement functions and personnel of  
5 the department of transportation and the non-statutorily  
6 mandated functions and law enforcement personnel of the  
7 investigations division of the department of the attorney  
8 general to the department of law enforcement. Part V also  
9 transfers the office of homeland security from the department of  
10 defense to the department of law enforcement. Part V further  
11 amends sections 26-21, 128A-2, 128A-3, 128B-1, 139-1, 139-2,  
12 139-7, 266-24, and 291-31.5, Hawaii Revised Statutes, to reflect  
13 the transfer of these functions to the department of law  
14 enforcement.

15 Part VI of this Act provides for the retention of civil  
16 service status and related rights of transferred employees.

17 Part VII also transfers any appropriations, equipment,  
18 contracts, leases, policies, rules, guidelines, and other items  
19 to the respective departments as provided in this Act.

20 Part VII of this Act appropriates funds to the department  
21 of law enforcement to establish and fill new positions and for  
22 costs that are required for the department's operations. These

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

10 PART II

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

14 "§26-A Department of law enforcement. (a) The department  
15 of law enforcement shall be headed by a single executive to be  
16 known as the director of law enforcement.

17 (b) The director of law enforcement shall appoint, without  
18 regard to chapter 76, two deputy directors to serve at the  
19 director's pleasure. Unless otherwise assigned by the director,  
20 one deputy director shall oversee the law enforcement programs  
21 of the department of law enforcement and one deputy director

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1 shall oversee administration of the department of law  
2 enforcement.

3 (c) The department of law enforcement shall be responsible  
4 for the formulation and implementation of state policies and  
5 objectives for security, law enforcement, and public safety  
6 programs and functions, for the service of process, and for the  
7 security of state buildings."

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

10 "§26-4 **Structure of government.** Under the supervision of  
11 the governor, all executive and administrative offices,  
12 departments, and instrumentalities of the state government and  
13 their respective functions, powers, and duties shall be  
14 allocated among and within the following principal departments  
15 that are hereby established:

- 16 (1) Department of human resources development (Section 26-  
17 5)  
18 (2) Department of accounting and general services (Section  
19 26-6)  
20 (3) Department of the attorney general (Section 26-7)  
21 (4) Department of budget and finance (Section 26-8)

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- 1 (5) Department of commerce and consumer affairs (Section  
2 26-9)  
3 (6) Department of taxation (Section 26-10)  
4 (7) University of Hawaii (Section 26-11)  
5 (8) Department of education (Section 26-12)  
6 (9) Department of health (Section 26-13)  
7 (10) Department of human services (Section 26-14)  
8 (11) Department of land and natural resources (Section 26-  
9 15)  
10 (12) Department of agriculture (Section 26-16)  
11 (13) Department of Hawaiian home lands (Section 26-17)  
12 (14) Department of business, economic development, and  
13 tourism (Section 26-18)  
14 (15) Department of transportation (Section 26-19)  
15 (16) Department of labor and industrial relations (Section  
16 26-20)  
17 (17) Department of defense (Section 26-21)  
18 (18) Department of public safety (Section 26-14.6) [-]  
19 (19) Department of law enforcement (Section 26-A)."

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

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1           "§26-52 Department heads and executive officers. The  
2 salaries of the following state officers shall be as follows:

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

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

14           (3) Effective July 1, 2004, the salaries of all department  
15 heads or executive officers of the departments of  
16 accounting and general services, agriculture, attorney  
17 general, budget and finance, business, economic  
18 development, and tourism, commerce and consumer  
19 affairs, Hawaiian home lands, health, human resources  
20 development, human services, labor and industrial  
21 relations, land and natural resources, law  
22 enforcement, public safety, taxation, and

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1 transportation shall be as last recommended by the  
2 executive salary commission. Effective July 1, 2007,  
3 and every six years thereafter, the salaries shall be  
4 as last recommended by the commission on salaries  
5 pursuant to section 26-56, unless rejected by the  
6 legislature; and

7 (4) The salary of the adjutant general shall be \$85,302 a  
8 year. Effective July 1, 2007, and every six years  
9 thereafter, the salary of the adjutant general shall  
10 be as last recommended by the commission on salaries  
11 pursuant to section 26-56, unless rejected by the  
12 legislature, except that if the state salary is in  
13 conflict with the pay and allowance fixed by the  
14 tables of the regular Army or Air Force of the United  
15 States, the latter shall prevail."

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

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

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- 1           (1) Commissioned and enlisted personnel of the Hawaii  
2           National Guard as such, and positions in the Hawaii  
3           National Guard that are required by state or federal  
4           laws or regulations or orders of the National Guard to  
5           be filled from those commissioned or enlisted  
6           personnel;
- 7           (2) Positions filled by persons employed by contract where  
8           the director of human resources development has  
9           certified that the service is special or unique or is  
10          essential to the public interest and that, because of  
11          circumstances surrounding its fulfillment, personnel  
12          to perform the service cannot be obtained through  
13          normal civil service recruitment procedures. Any such  
14          contract may be for any period not exceeding one year;
- 15          (3) Positions that must be filled without delay to comply  
16          with a court order or decree if the director  
17          determines that recruitment through normal recruitment  
18          civil service procedures would result in delay or  
19          noncompliance, such as the Felix-Cayetano consent  
20          decree;
- 21          (4) Positions filled by the legislature or by either house  
22          or any committee thereof;

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- 1 (5) Employees in the office of the governor and office of  
2 the lieutenant governor, and household employees at  
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,  
6 commission, or other state agency whose appointments  
7 are made by the governor or are required by law to be  
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries  
10 public, land court examiners, court commissioners, and  
11 attorneys appointed by a state court for a special  
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court  
14 who shall have the powers and duties of a court  
15 officer and bailiff under section 606-14; one  
16 secretary or clerk for each justice of the supreme  
17 court, each judge of the intermediate appellate court,  
18 and each judge of the circuit court; one secretary for  
19 the judicial council; one deputy administrative  
20 director of the courts; three law clerks for the chief  
21 justice of the supreme court, two law clerks for each  
22 associate justice of the supreme court and each judge

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1 of the intermediate appellate court, one law clerk for  
2 each judge of the circuit court, two additional law  
3 clerks for the civil administrative judge of the  
4 circuit court of the first circuit, two additional law  
5 clerks for the criminal administrative judge of the  
6 circuit court of the first circuit, one additional law  
7 clerk for the senior judge of the family court of the  
8 first circuit, two additional law clerks for the civil  
9 motions judge of the circuit court of the first  
10 circuit, two additional law clerks for the criminal  
11 motions judge of the circuit court of the first  
12 circuit, and two law clerks for the administrative  
13 judge of the district court of the first circuit; and  
14 one private secretary for the administrative director  
15 of the courts, the deputy administrative director of  
16 the courts, each department head, each deputy or first  
17 assistant, and each additional deputy, or assistant  
18 deputy, or assistant defined in paragraph (16);

19 (10) First deputy and deputy attorneys general, the  
20 administrative services manager of the department of  
21 the attorney general, one secretary for the  
22 administrative services manager, an administrator and

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1 any support staff for the criminal and juvenile  
2 justice resources coordination functions, and law  
3 clerks;

4 (11) (A) Teachers, principals, vice-principals, complex  
5 area superintendents, deputy and assistant  
6 superintendents, other certificated personnel,  
7 not more than twenty noncertificated  
8 administrative, professional, and technical  
9 personnel not engaged in instructional work;

10 (B) Effective July 1, 2003, teaching assistants,  
11 educational assistants, bilingual/bicultural  
12 school-home assistants, school psychologists,  
13 psychological examiners, speech pathologists,  
14 athletic health care trainers, alternative school  
15 work study assistants, alternative school  
16 educational/supportive services specialists,  
17 alternative school project coordinators, and  
18 communications aides in the department of  
19 education;

20 (C) The special assistant to the state librarian and  
21 one secretary for the special assistant to the  
22 state librarian; and

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- 1 (D) Members of the faculty of the University of  
2 Hawaii, including research workers, extension  
3 agents, personnel engaged in instructional work,  
4 and administrative, professional, and technical  
5 personnel of the university;
- 6 (12) Employees engaged in special, research, or  
7 demonstration projects approved by the governor;
- 8 (13) (A) Positions filled by inmates, patients of state  
9 institutions, persons with severe physical or  
10 mental disabilities participating in the work  
11 experience training programs;
- 12 (B) Positions filled with students in accordance with  
13 guidelines for established state employment  
14 programs; and
- 15 (C) Positions that provide work experience training  
16 or temporary public service employment that are  
17 filled by persons entering the workforce or  
18 persons transitioning into other careers under  
19 programs such as the federal Workforce Investment  
20 Act of 1998, as amended, or the Senior Community  
21 Service Employment Program of the Employment and  
22 Training Administration of the United States

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1 Department of Labor, or under other similar state  
2 programs;

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

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

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

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

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

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

18 (B) All of the positions defined by paragraph (9)  
19 shall be included in the position classification  
20 plan;

21 (18) Positions in the state foster grandparent program and  
22 positions for temporary employment of senior citizens

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

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

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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. "

18 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  
22 officers within the training and staff development division of

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

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

14 "§353C-A Statewide law enforcement training center. There  
15 is established within the department a statewide law enforcement  
16 training center. The center shall be responsible for training  
17 and administering certification requirements of all state law  
18 enforcement personnel who exercise police powers in any county.  
19 Such training shall conform to uniform statewide standards set  
20 by the law enforcement standards board pursuant to chapter 139.  
21 The center shall operate and maintain such facilities as are

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1 necessary to conduct training and certification under this  
2 section."

3 SECTION 8. Section 88-21, Hawaii Revised Statutes, is  
4 amended by amending the definition of "public safety  
5 investigations staff investigators" to read as follows:

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

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

15 "Law enforcement officer" means:

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

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



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1 of persons and property, and enforce and prevent  
2 violation of all laws and administrative rules of the  
3 State as the director deems to be necessary or  
4 desirable or upon request, to assist other state  
5 officers or agencies that have primary administrative  
6 responsibility over specific subject matters or  
7 programs;

8 (2) Train, equip, maintain, and supervise the force of  
9 ~~[public safety officers, including]~~ law enforcement  
10 ~~[and correctional personnel,]~~ officers and other  
11 employees of the department;

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

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

14 (5) Adopt, pursuant to chapter 91, rules that are  
15 necessary or desirable for the administration of  
16 ~~[public safety]~~ law enforcement programs; and

17 (6) Enter into contracts in behalf of the department and  
18 take all actions deemed necessary and appropriate for  
19 the proper and efficient administration of the  
20 department.

21 ~~[(b)] The department of public safety shall report to the~~  
22 ~~legislature not later than twenty days prior to the commencement~~

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1 ~~of the 2008 regular session, and every session thereafter, with~~  
2 ~~its achievements, continuing improvements, and ongoing problems~~  
3 ~~in providing the appropriate mental health care to committed~~  
4 ~~persons under its jurisdiction.] "~~

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

7 " ~~[†]~~ §353C-3 ~~[†]~~ **Deputy directors; appointment.** The  
8 director shall appoint, without regard to chapter 76, ~~[three]~~  
9 two deputy directors to serve at the director's pleasure.

10 Unless otherwise assigned by the director, one deputy director  
11 shall oversee the ~~[correctional programs and facilities of the~~  
12 ~~department, one deputy director shall oversee the]~~ law  
13 enforcement programs of the department, and one deputy director  
14 shall oversee administration of the department."

15 SECTION 13. Section 353C-4, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "**§353C-4 Appointment of employees with police powers and**  
18 **other employees.** (a) The director may appoint employees to be  
19 ~~[public safety]~~ law enforcement officers who shall have all of  
20 the powers of police officers; provided that the director may  
21 establish and assign the employees to positions or categories of

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1 positions that may have differing titles, specific duties, and  
2 limitations upon the exercise of police powers.

3 (b) The director may appoint other personnel necessary to  
4 carry out the functions of the department.

5 (c) The duties of state law enforcement officers  
6 [~~transferred from the department of the attorney general by Act~~  
7 ~~211, Session Laws of Hawaii 1989,~~] shall [~~be responsible for~~  
8 include conducting law enforcement operations and investigations  
9 throughout the State and maintaining public safety in state  
10 buildings as well as the personal protection of government  
11 officials and employees while in the conduct of their duties.  
12 The duties of state law enforcement officers shall also include  
13 the service of process, including subpoenas, warrants, and other  
14 legal documents, and other duties as the director may assign[  
15 ~~including the performance of duties of other public safety~~  
16 ~~officers within the department]~~. State law enforcement officers  
17 shall have all of the powers of police officers, including the  
18 power of arrest. This section does not relieve county police  
19 officers of any authority or responsibility to enforce laws or  
20 to maintain public safety on state lands and in state  
21 buildings."

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

4 "(a) The department shall develop standards to ensure the  
5 reputable and responsible characters of staff members [~~of its~~  
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 [~~of public safety that is directly involved with~~  
11 ~~the treatment and care of persons committed to a facility or~~  
12 ~~that requires~~] that involves the exercise of police powers [~~7~~]  
13 conferred by the director, including the power to arrest in the  
14 performance of its duties.

15 "Staff member" means any employee of the department [~~of~~  
16 ~~public safety who is directly involved with the treatment and~~  
17 ~~care of persons committed to a facility or~~] who possesses police  
18 powers [~~7~~] conferred by the director, including the power of  
19 arrest.

20 (c) The department shall obtain criminal history record  
21 information through the Hawaii criminal justice data center in  
22 accordance with section 846-2.7, on all staff and prospective

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1 staff members of the department of [~~public safety~~] law  
2 enforcement. Prospective staff members shall be fingerprinted  
3 and the criminal history record check shall be completed prior  
4 to beginning employment."

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

7 "[~~+~~] §353C-6 [~~+~~] **Parking fees, exemption.** Notwithstanding  
8 any other law, rule, or provision to the contrary, [~~special~~  
9 ~~service deputies~~] law enforcement officers of the department of  
10 [~~public safety~~] law enforcement are exempt from all state and  
11 county parking meter fees and county time parking restrictions  
12 while in the performance of their official duties, including  
13 attendance at court; provided that this exemption shall:

14 (1) Apply exclusively to state owned law enforcement  
15 vehicles assigned to the department of [~~public~~  
16 ~~safety~~] law enforcement; and

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

20 SECTION 16. Chapter 329, and sections 78-52, 134-81, 139-  
21 2, 139-7, 200-27, 291-31.5, 334D-5, 350-1.1, 353C-1, 603-29,  
22 604-6.2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-22, 634-29,

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1 651-1, 652-1.5, 652-2, 652-2.5, 652-2.6, 654-2, 666-11, 666-21,  
2 and 844D-38, Hawaii Revised Statutes, are amended by  
3 substituting the word "law enforcement", or similar term,  
4 wherever the word "public safety", or similar term, appears, by  
5 substituting the word "department of law enforcement", or  
6 similar term, wherever the word "department of public safety",  
7 or similar term, appears, and by substituting the word "director  
8 of law enforcement", or similar term, wherever the word  
9 "director of public safety", or similar term, appears, as the  
10 context requires.

## 11 PART IV

12 SECTION 17. Chapter 353, Hawaii Revised Statutes, is  
13 amended by adding to part I seven new sections to be  
14 appropriately designated and to read as follows:

15 "§353-A Director of corrections and rehabilitation; powers  
16 and duties. The director shall be responsible for the  
17 formulation and implementation of state goals and objectives for  
18 correctional programs, including ensuring that correctional  
19 facilities and correctional services meet the present and future  
20 needs of persons committed to the correctional facilities. In  
21 the administration of these programs, the director may:

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- 1        (1) Train, equip, maintain, and supervise correctional  
2                    personnel and other employees of the department;  
3        (2) Perform other duties as may be required by law;  
4        (3) Adopt, pursuant to chapter 91, rules that are  
5                    necessary or desirable for the administration of  
6                    corrections; and  
7        (4) Enter into contracts in behalf of the department and  
8                    take all actions deemed necessary and appropriate for  
9                    the proper and efficient administration of the  
10                   department, including contracts for the custody and  
11                   care of Hawaii inmates housed outside of the state.

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

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1        §353-C Correctional health care program. There is  
2        established a correctional health care program within the  
3        department. The administrator of the correctional health care  
4        program and physicians who provide care to inmates shall be  
5        appointed by the director without regard to chapter 76.

6        §353-D Criminal history record checks. (a) The  
7        department shall develop standards to ensure the reputable and  
8        responsible characters of staff members of its correctional  
9        facilities, which shall include criminal history record checks.

10       (b) For purposes of this section:

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

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

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

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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 those  
11 whose conviction of a crime occurred after May 8, 1989, or under  
12 circumstances in which a staff member is a fugitive from  
13 justice. Staff members shall be subject to termination for  
14 crimes other than a minor traffic violation involving a fine of  
15 \$50 or less, where because of the staff member's conviction  
16 record, the staff member poses a risk to the health, safety,  
17 security, or well-being of inmates under supervision and  
18 confinement, other staff, or the public at large.

19        §353-E Federal reimbursement maximization special fund.

20        (a) There is established in the state treasury the federal  
21 reimbursement maximization special fund, into which shall be  
22 deposited all federal reimbursements received by the department

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1 relating to the State Criminal Alien Assistance Program. Unless  
2 otherwise provided by law, all other receipts shall immediately  
3 be deposited to the credit of the general fund of the State.

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

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

11 (2) For any other purpose deemed necessary by the  
12 department for maintaining existing federal grants as  
13 well as pursuing federal grants;

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

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

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

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

20 (7) To improve technology; and

21 (8) To recruit and retain corrections workforce.

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

7        **§353-F Sexual assaults in prison.** (a) The department, to  
8 the best of the department's ability, shall address sexual  
9 assault in prison and make every effort to seek grant moneys  
10 from the federal government to implement those efforts. The  
11 department shall place priority upon establishing:

- 12        (1) Appropriate counseling services for sexual assault, to  
13        be made available to victims of prison rape within  
14        twenty-four hours of the report of an assault; and  
15        (2) Policies and standards of transparency to achieve a  
16        zero-tolerance policy for sexual assault.

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

- 20        (1) Sexual assault by persons in custody against other  
21        persons in custody of the department;

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- 1        (2) Sexual assault by correctional staff against persons  
2        in custody of the department;
- 3        (3) Non-criminal sexual misconduct by staff, including  
4        sexual harassment of persons in custody of the  
5        department;
- 6        (4) Criminal cases initiated, and closed by dismissal,  
7        plea, or verdict, for sexual assaults by or upon a  
8        person in custody of the department; and
- 9        (5) Civil claims filed and closed by dismissal,  
10       settlement, or verdict for sexual assaults by or upon  
11       a person in custody of the department.
- 12       (c) The department shall preserve any forensic evidence  
13       consisting of human biological specimens for collection by the  
14       relevant criminal investigation entity or coroner, if there is  
15       any indication of sexual assault leading to the death of any:
- 16       (1) Correctional facility or community correctional center  
17       employee who dies on the grounds of a correctional  
18       facility or community correctional center where Hawaii  
19       inmates reside or who sustains an injury on the  
20       grounds of a correctional facility or community  
21       correctional center where Hawaii inmates reside that  
22       causes the death of the employee; and

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

3        §353-G Correctional facility and community correctional  
4 center deaths; reporting. (a) Within forty-eight hours, the  
5 director shall report to the governor, and the governor shall  
6 report to the legislature, the death of any:

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

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

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

- 18           (1) The name of the decedent;  
19           (2) The gender and age of the decedent;  
20           (3) Whether the decedent was an inmate or an employee;  
21           (4) The location of the death or injury leading to the  
22                   death;

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

2        (6) The cause of death; and

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

4 provided that when the official cause of death has been

5 determined, the director shall immediately report the official

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

7 immediately report the official cause of death to the

8 legislature.

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

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

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

12 clinical mortality review conducted in response to the death,

13 including correctional actions to be taken.

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

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

16 from disclosure by state or federal laws."

17        SECTION 18. Section 26-4, Hawaii Revised Statutes, is

18 amended to read as follows:

19        "**§26-4 Structure of government.** Under the supervision of

20 the governor, all executive and administrative offices,

21 departments, and instrumentalities of the state government and

22 their respective functions, powers, and duties shall be

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1 allocated among and within the following principal departments  
2 that are hereby established:

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

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1 (16) Department of labor and industrial relations (Section  
2 26-20)

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

4 (18) Department of [~~public safety~~] corrections and  
5 rehabilitation (Section 26-14.6)

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

7 SECTION 19. Section 26-14.6, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "§26-14.6 Department of [~~public safety.~~] corrections and

10 rehabilitation. (a) The department of [~~public safety~~]  
11 corrections and rehabilitation shall be headed by a single  
12 executive to be known as the director of [~~public safety.~~]  
13 corrections and rehabilitation.

14 (b) The department of [~~public safety~~] corrections and  
15 rehabilitation shall be responsible for the formulation and  
16 implementation of state policies and objectives for the  
17 ~~correctional [ , security, law enforcement, and public safety~~  
18 ~~programs and functions, ] system statewide and for the~~  
19 administration and maintenance of all public or private  
20 correctional facilities and services [~~, for the service of~~  
21 ~~process, and for the security of state buildings~~].

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1 (c) Effective July 1, 1990, the Hawaii paroling authority  
2 and the crime victim compensation commission are placed within  
3 the department of public safety for administrative purposes  
4 only[-], and effective July 1, 2023, are placed within the  
5 department of corrections and rehabilitation for administrative  
6 purposes only.

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

- 9 (1) The department of corrections relating to adult  
10 corrections and the intake service centers;  
11 (2) The judiciary relating to the sheriff's office and  
12 judiciary security personnel; and  
13 (3) The department of the attorney general relating to  
14 state law enforcement officers and narcotics  
15 enforcement investigators with the narcotics  
16 enforcement division,

17 shall be transferred to the department of public safety.

18 Effective July 1, 2023, the functions and authority transferred  
19 in paragraph (1) shall be transferred to the department of  
20 corrections and rehabilitation. Effective July 1, 2023, the  
21 functions and authority transferred in paragraphs (2) and (3)  
22 shall be transferred to the department of law enforcement.

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1 (e) Effective July 1, 1990, the functions and authority  
2 heretofore exercised by the department of health pursuant to  
3 chapters 329 and 329C, with the exception of sections 329-2,  
4 329-3, and 329-4(3) to (8), shall be transferred to the  
5 department of public safety[-], and effective July 1, 2023,  
6 shall be transferred to the department of law enforcement.

7 (f) Effective July 1, 1990, the functions, authority, and  
8 obligations, together with the limitations imposed thereon and  
9 the privileges and immunities conferred thereby, exercised by a  
10 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's  
11 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",  
12 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,  
13 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,  
14 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4, 485A-  
15 202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 587-33,  
16 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11,  
17 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2,  
18 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14,  
19 804-18, 804-41, 805-1, 806-71, and 832-23 shall be exercised to  
20 the same extent by the department of public safety[-], and  
21 effective July 1, 2023, shall be exercised to the same extent by  
22 the department of law enforcement.

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1 (g) Effective January 1, 1993, the functions and authority  
2 heretofore exercised by the attorney general and the department  
3 of the attorney general relating to the executive security  
4 officers shall be transferred to the department of public safety  
5 [-], and effective July 1, 2023, shall be transferred to the  
6 department of law enforcement.

7 (h) Effective July 1, 1999, the functions and authority  
8 heretofore exercised by the director of public safety and the  
9 department of public safety relating to after hours security  
10 contracts at department of education facilities, except for the  
11 security functions being performed by employees of the public  
12 library system as well as the contractual security services for  
13 the libraries, shall be transferred to the department of  
14 education.

15 (i) Effective January 1, 1993, the functions and authority  
16 heretofore exercised by the director of health and the  
17 department of health relating to uniformed security employees  
18 and security contracts at various state hospitals throughout the  
19 State shall be transferred to the department of public safety  
20 [-], and effective July 1, 2023, shall be transferred to the  
21 department of law enforcement. Effective July 1, 2005, the  
22 functions, authority, and employee positions of the department

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1 of public safety relating to uniformed security employees and  
2 security contracts at health facilities that are under the  
3 operation, management, and control of the Hawaii health systems  
4 corporation shall be transferred to the Hawaii health systems  
5 corporation.

6 (j) Effective January 1, 1993, the functions and authority  
7 heretofore exercised by the director of human services and the  
8 department of human services relating to contractual security  
9 guard services shall be transferred to the department of public  
10 safety[-], and effective July 1, 2023, shall be transferred to  
11 the department of law enforcement.

12 (k) Effective July 1, 1994, the functions and authority  
13 heretofore exercised by the adjutant general relating to  
14 security for national guard and state emergency management  
15 facilities in the Diamond Head complex, for after work hours,  
16 shall be transferred to the department of public safety[-], and  
17 effective July 1, 2023, shall be transferred to the department  
18 of law enforcement.

19 (l) Effective July 1, 2002, the functions and authority  
20 heretofore exercised by the director of public safety and the  
21 department of public safety relating to after hours security  
22 contracts at department of education facilities, including all

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1 security functions being performed by employees of the public  
2 library system, as well as the contractual security services for  
3 the libraries, shall be transferred to the department of  
4 education and the public library system as appropriate."

5 SECTION 20. Section 26-52, Hawaii Revised Statutes, is  
6 amended to read as follows:

7 "**§26-52 Department heads and executive officers.** The  
8 salaries of the following state officers shall be as follows:

- 9 (1) The salary of the superintendent of education shall be  
10 set by the board of education at a rate no greater  
11 than \$250,000 a year. The superintendent shall be  
12 subject to an annual performance evaluation that is in  
13 alignment with other employee evaluations within the  
14 department of education and are based on outcomes  
15 determined by the board of education; provided that  
16 nothing shall prohibit the board of education from  
17 conditioning a portion of the salary on performance;
- 18 (2) The salary of the president of the University of  
19 Hawaii shall be set by the board of regents;
- 20 (3) Effective July 1, 2004, the salaries of all department  
21 heads or executive officers of the departments of  
22 accounting and general services, agriculture, attorney

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

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1 SECTION 21. Section 76-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

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

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

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

21 (3) Positions that must be filled without delay to comply  
22 with a court order or decree if the director

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- 1 determines that recruitment through normal recruitment  
2 civil service procedures would result in delay or  
3 noncompliance, such as the Felix-Cayetano consent  
4 decree;
- 5 (4) Positions filled by the legislature or by either house  
6 or any committee thereof;
- 7 (5) Employees in the office of the governor and office of  
8 the lieutenant governor, and household employees at  
9 Washington Place;
- 10 (6) Positions filled by popular vote;
- 11 (7) Department heads, officers, and members of any board,  
12 commission, or other state agency whose appointments  
13 are made by the governor or are required by law to be  
14 confirmed by the senate;
- 15 (8) Judges, referees, receivers, masters, jurors, notaries  
16 public, land court examiners, court commissioners, and  
17 attorneys appointed by a state court for a special  
18 temporary service;
- 19 (9) One bailiff for the chief justice of the supreme court  
20 who shall have the powers and duties of a court  
21 officer and bailiff under section 606-14; one  
22 secretary or clerk for each justice of the supreme

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

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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  
22 educational/supportive services specialists,

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1 alternative school project coordinators, and  
2 communications aides in the department of  
3 education;

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

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

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

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

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

21 (C) Positions that provide work experience training  
22 or temporary public service employment that are

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1 filled by persons entering the workforce or  
2 persons transitioning into other careers under  
3 programs such as the federal Workforce Investment  
4 Act of 1998, as amended, or the Senior Community  
5 Service Employment Program of the Employment and  
6 Training Administration of the United States  
7 Department of Labor, or under other similar state  
8 programs;

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

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

18 (16) Positions of first deputies or first assistants of  
19 each department head appointed under or in the manner  
20 provided in section 6, article V, of the Hawaii State  
21 Constitution; three additional deputies or assistants  
22 either in charge of the highways, harbors, and

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

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1 an administrative assistant to the superintendent of  
2 education;

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

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

9 (B) All of the positions defined by paragraph (9)  
10 shall be included in the position classification  
11 plan;

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

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

18 (20) Employees in the department of education engaged in  
19 the supervision of students during meal periods in the  
20 distribution, collection, and counting of meal  
21 tickets, and in the cleaning of classrooms after  
22 school hours on a less than half-time basis;

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- 1           (21) Employees hired under the tenant hire program of the  
2           Hawaii public housing authority; provided that not  
3           more than twenty-six per cent of the authority's  
4           workforce in any housing project maintained or  
5           operated by the authority shall be hired under the  
6           tenant hire program;
- 7           (22) Positions of the federally funded expanded food and  
8           nutrition program of the University of Hawaii that  
9           require the hiring of nutrition program assistants who  
10          live in the areas they serve;
- 11          (23) Positions filled by persons with severe disabilities  
12          who are certified by the state vocational  
13          rehabilitation office that they are able to perform  
14          safely the duties of the positions;
- 15          (24) The sheriff;
- 16          (25) A gender and other fairness coordinator hired by the  
17          judiciary;
- 18          (26) Positions in the Hawaii National Guard youth and adult  
19          education programs;
- 20          (27) In the state energy office in the department of  
21          business, economic development, and tourism, all

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1 energy program managers, energy program specialists,  
2 energy program assistants, and energy analysts;  
3 (28) Administrative appeals hearing officers in the  
4 department of human services;  
5 (29) In the Med-QUEST division of the department of human  
6 services, the division administrator, finance officer,  
7 health care services branch administrator, medical  
8 director, and clinical standards administrator;  
9 (30) In the director's office of the department of human  
10 services, the enterprise officer, information security  
11 and privacy compliance officer, security and privacy  
12 compliance engineer, and security and privacy  
13 compliance analyst;  
14 (31) The Alzheimer's disease and related dementia services  
15 coordinator in the executive office on aging;  
16 [†] (32) [†] In the Hawaii emergency management agency, the  
17 executive officer, public information officer, civil  
18 defense administrative officer, branch chiefs, and  
19 emergency operations center state warning point  
20 personnel; provided that, for state warning point  
21 personnel, the director shall determine that

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1 recruitment through normal civil service recruitment  
2 procedures would result in delay or noncompliance; and  
3 [†] (33) [†] The executive director and seven full-time  
4 administrative positions of the school facilities  
5 authority.

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

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

10 SECTION 22. Section 846-2.7, Hawaii Revised Statutes, is  
11 amended by amending subsection (b) to read as follows:

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

13 (1) The department of health or its designee on operators  
14 of adult foster homes for individuals with  
15 developmental disabilities or developmental  
16 disabilities domiciliary homes and their employees, as  
17 provided by section 321-15.2;

18 (2) The department of health or its designee on  
19 prospective employees, persons seeking to serve as  
20 providers, or subcontractors in positions that place  
21 them in direct contact with clients when providing

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- 1 non-witnessed direct mental health or health care  
2 services as provided by section 321-171.5;
- 3 (3) The department of health or its designee on all  
4 applicants for licensure or certification for,  
5 operators for, prospective employees, adult  
6 volunteers, and all adults, except adults in care, at  
7 healthcare facilities as defined in section 321-15.2;
- 8 (4) The department of education on employees, prospective  
9 employees, and teacher trainees in any public school  
10 in positions that necessitate close proximity to  
11 children as provided by section 302A-601.5;
- 12 (5) The counties on employees and prospective employees  
13 who may be in positions that place them in close  
14 proximity to children in recreation or child care  
15 programs and services;
- 16 (6) The county liquor commissions on applicants for liquor  
17 licenses as provided by section 281-53.5;
- 18 (7) The county liquor commissions on employees and  
19 prospective employees involved in liquor  
20 administration, law enforcement, and liquor control  
21 investigations;

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

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- 1 (13) The department of human services on staff members of  
2 the Hawaii youth correctional facility as provided by  
3 section 352-5.5;
- 4 (14) The department of human services on employees,  
5 prospective employees, and volunteers of contracted  
6 providers and subcontractors in positions that place  
7 them in close proximity to youth when providing  
8 services on behalf of the office or the Hawaii youth  
9 correctional facility as provided by section 352D-4.3;
- 10 (15) The judiciary on employees and applicants at detention  
11 and shelter facilities as provided by section 571-34;
- 12 (16) The department of [~~public safety~~] corrections and  
13 rehabilitation on employees and prospective employees  
14 who are directly involved with the treatment and care  
15 of persons committed to a correctional facility [~~or~~  
16 ~~who possess~~] as provided by section 353-D and the  
17 department of law enforcement on employees and  
18 prospective employees whose duties involve or may  
19 involve the exercise of police powers including the  
20 power of arrest as provided by section 353C-5;

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- 1           (17) The board of private detectives and guards on  
2                    applicants for private detective or private guard  
3                    licensure as provided by section 463-9;
- 4           (18) Private schools and designated organizations on  
5                    employees and prospective employees who may be in  
6                    positions that necessitate close proximity to  
7                    children; provided that private schools and designated  
8                    organizations receive only indications of the states  
9                    from which the national criminal history record  
10                  information was provided pursuant to section 302C-1;
- 11          (19) The public library system on employees and prospective  
12                  employees whose positions place them in close  
13                  proximity to children as provided by section 302A-  
14                  601.5;
- 15          (20) The State or any of its branches, political  
16                  subdivisions, or agencies on applicants and employees  
17                  holding a position that has the same type of contact  
18                  with children, vulnerable adults, or persons committed  
19                  to a correctional facility as other public employees  
20                  who hold positions that are authorized by law to  
21                  require criminal history record checks as a condition  
22                  of employment as provided by section 78-2.7;

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- 1           (21) The department of health on licensed adult day care  
2                   center operators, employees, new employees,  
3                   subcontracted service providers and their employees,  
4                   and adult volunteers as provided by section 321-15.2;
- 5           (22) The department of human services on purchase of  
6                   service contracted and subcontracted service providers  
7                   and their employees serving clients of the adult  
8                   protective and community services branch, as provided  
9                   by section 346-97;
- 10          (23) The department of human services on foster grandparent  
11                   program, senior companion program, and respite  
12                   companion program participants as provided by section  
13                   346-97;
- 14          (24) The department of human services on contracted and  
15                   subcontracted service providers and their current and  
16                   prospective employees that provide home and community-  
17                   based services under section 1915(c) of the Social  
18                   Security Act, title 42 United States Code section  
19                   1396n(c), or under any other applicable section or  
20                   sections of the Social Security Act for the purposes  
21                   of providing home and community-based services, as  
22                   provided by section 346-97;

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- 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

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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  
21 applicant for a mortgage loan originator company  
22 license or license renewal,

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

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1 classified meetings and assisting vulnerable citizens  
2 during emergencies or crises;

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

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

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

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

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

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

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

4 (41) The department of health or its designee on all  
5 license applicants, licensees, employees, contractors,  
6 and prospective employees of medical cannabis  
7 dispensaries, and individuals permitted to enter and  
8 remain in medical cannabis dispensary facilities as  
9 provided under sections 329D-15(a)(4) and 329D-  
10 16(a)(3);

11 (42) The department of commerce and consumer affairs on  
12 applicants for nurse licensure or license renewal,  
13 reactivation, or restoration as provided by sections  
14 457-7, 457-8, 457-8.5, and 457-9;

15 (43) The county police departments on applicants for  
16 permits to acquire firearms pursuant to section 134-2  
17 and on individuals registering their firearms pursuant  
18 to section 134-3;

19 (44) The department of commerce and consumer affairs on:  
20 (A) Each of the controlling persons of the applicant  
21 for licensure as an escrow depository, and each  
22 of the officers, directors, and principals who

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1                   will be in charge of the escrow depository's  
2                   activities upon licensure; and  
3           (B) Each of the controlling persons of an applicant  
4                   for proposed change in control of an escrow  
5                   depository licensee, and each of the officers,  
6                   directors, and principals who will be in charge  
7                   of the licensee's activities upon approval of the  
8                   application,  
9                   as provided by chapter 449;  
10          (45) The department of taxation on current or prospective  
11                   employees or contractors who have access to federal  
12                   tax information in order to comply with requirements  
13                   of federal law, regulation, or procedure, as provided  
14                   by section 231-1.6;  
15          (46) The department of labor and industrial relations on  
16                   current or prospective employees or contractors who  
17                   have access to federal tax information in order to  
18                   comply with requirements of federal law, regulation,  
19                   or procedure, as provided by section 383-110;  
20          (47) The department of human services on current or  
21                   prospective employees or contractors who have access  
22                   to federal tax information in order to comply with

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1 requirements of federal law, regulation, or procedure,  
2 as provided by section 346-2.5;

3 (48) The child support enforcement agency on current or  
4 prospective employees, or contractors who have access  
5 to federal tax information in order to comply with  
6 federal law, regulation, or procedure, as provided by  
7 section 576D-11.5;

8 (49) The department of the attorney general on current or  
9 prospective employees or employees or agents of  
10 contractors who have access to federal tax information  
11 to comply with requirements of federal law,  
12 regulation, or procedure, as provided by section 28-  
13 17;

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

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

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

4           SECTION 23. Sections 134-2, 353-1, 353B-3, 353L-3, 353L-5,  
5 354D-2, 707-732, 801D-4, 804-7, Hawaii Revised Statutes, are  
6 amended by substituting the word "department of corrections and  
7 rehabilitation", or similar term, wherever the word "department  
8 of public safety", or similar term, appears and by substituting  
9 the word "director of corrections and rehabilitation", or  
10 similar term, wherever the word "director of public safety", or  
11 similar term, appears, as the context requires.

12           SECTION 24. Section 353C-4.5, Hawaii Revised Statutes, is  
13 repealed.

14           ~~["§353C-4.5] Correctional health care program. There is~~  
15 ~~established a correctional health care program within the~~  
16 ~~department. The administrator of the correctional health care~~  
17 ~~program and physicians who provide care to inmates shall be~~  
18 ~~appointed by the director without regard to [chapter 76]."]~~

19           SECTION 25. Section 353C-7, Hawaii Revised Statutes, is  
20 repealed.

21           ~~["§353C-7 Federal reimbursement maximization special fund.~~  
22 ~~(a) There is established in the state treasury the federal~~

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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 existing federal grants as~~  
15 ~~well as pursuing federal grants;~~

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

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

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

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

22 ~~(7) To improve technology; and~~

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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       SECTION 26. Section 353C-8, Hawaii Revised Statutes, is  
9 repealed.

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

- 15       ~~(1) Appropriate counseling services for sexual assault, to~~  
16       ~~be made available to victims of prison rape within~~  
17       ~~twenty four hours of the report of an assault; and~~  
18       ~~(2) Policies and standards of transparency to achieve a~~  
19       ~~zero tolerance policy for sexual assault.~~

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

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- 1       ~~(1) Sexual assault by persons in custody against other~~  
2           ~~persons in custody of the department of public safety;~~
- 3       ~~(2) Sexual assault by correctional staff against persons~~  
4           ~~in custody of the department of public safety;~~
- 5       ~~(3) Non-criminal sexual misconduct by staff, including~~  
6           ~~sexual harassment of persons in custody of the~~  
7           ~~department of public safety;~~
- 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 of public safety;~~  
11          ~~and~~
- 12       ~~(5) Civil claims filed and closed by dismissal,~~  
13           ~~settlement, or verdict for sexual assaults by or upon~~  
14           ~~a person in custody of the department of public~~  
15           ~~safety.~~
- 16       ~~(c) The department of public safety shall preserve any~~  
17       ~~forensic evidence consisting of human biological specimens for~~  
18       ~~collection by the relevant criminal investigation entity or~~  
19       ~~coroner, if there is any indication of sexual assault leading to~~  
20       ~~the death of any:~~
- 21       ~~(1) Correctional facility or community correctional center~~  
22           ~~employee who dies on the grounds of a correctional~~

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1 ~~facility or community correctional center where Hawaii~~  
2 ~~inmates reside or who sustains an injury on the~~  
3 ~~grounds of a correctional facility or community~~  
4 ~~correctional center where Hawaii inmates reside that~~  
5 ~~causes the death of the employee; and~~

6 ~~(2) Hawaii inmate who is incarcerated in a state or~~  
7 ~~contracted correctional facility." ]~~

8 SECTION 27. Section 353C-8.5, Hawaii Revised Statutes, is  
9 repealed.

10 ~~["§ 353C-8.5] Correctional facility and community~~  
11 ~~correctional center deaths; reporting. (a) Within forty eight~~  
12 ~~hours, the director shall report to the governor, and the~~  
13 ~~governor shall report to the legislature, the death of any:~~

14 ~~(1) Correctional facility or community correctional center~~  
15 ~~employee who dies on the grounds of a correctional~~  
16 ~~facility or community correctional center where Hawaii~~  
17 ~~inmates reside or who sustains an injury on the~~  
18 ~~grounds of a correctional facility or community~~  
19 ~~correctional center where Hawaii inmates reside that~~  
20 ~~causes the death of the employee; or~~

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

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

3       ~~(1) The name of the decedent;~~  
4       ~~(2) The gender and age of the decedent;~~  
5       ~~(3) Whether the decedent was an inmate or an employee;~~  
6       ~~(4) The location of the death or injury leading to the~~  
7           ~~death;~~  
8       ~~(5) The date and time of the death;~~  
9       ~~(6) The cause of death; and~~  
10       ~~(7) Any indication of sexual assault leading to the death;~~

11 ~~provided that when the official cause of death has been~~  
12 ~~determined, the director shall immediately report the official~~  
13 ~~cause of death to the governor, and the governor shall~~  
14 ~~immediately report the official cause of death to the~~  
15 ~~legislature.~~

16       ~~(c) Within thirty days of a death described in subsection~~  
17 ~~(a), the director shall submit a report to the governor, and the~~  
18 ~~governor shall submit the report to the legislature, of the~~  
19 ~~clinical mortality review conducted in response to the death,~~  
20 ~~including correctional actions to be taken.~~



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1 SECTION 32. Section 128A-2, Hawaii Revised Statutes, is  
2 amended by amending the definition of "director of homeland  
3 security" or "director" to read as follows:

4 "~~["Director of homeland security" or "director"]~~ "Director"  
5 means the ~~[adjutant general.]~~ director of law enforcement."

6 SECTION 33. Section 128A-3, Hawaii Revised Statutes, is  
7 amended by amending subsection (a) to read as follows:

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

16 SECTION 34. Section 128B-1, Hawaii Revised Statutes, is  
17 amended by amending subsections (a) and (b) to read as follows:

18 "(a) There is established the full-time Hawaii  
19 cybersecurity, economic, education, and infrastructure security  
20 coordinator to oversee cybersecurity and cyber resiliency  
21 matters, including cybersecurity, economic, education, and  
22 infrastructure security for the State. The coordinator shall be

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1 placed within the state department of [~~defense.~~] law  
2 enforcement.

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

7 SECTION 35. Section 139-1, Hawaii Revised Statutes, is  
8 amended by amending the definition of "law enforcement officer"  
9 to read as follows:

10 "Law enforcement officer" means:

- 11 (1) A police officer employed by a county police  
12 department;
- 13 (2) An employee of the department of law enforcement  
14 conferred with police powers by the director of law  
15 enforcement; or
- 16 (3) An employee of the [~~department of transportation,~~  
17 department of land and natural resources, department  
18 of taxation, or department of the attorney general who  
19 is conferred by law with general police powers."

20 SECTION 36. Section 139-2, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:

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1           "(a) There is established the law enforcement standards  
2 board within the department of the attorney general for  
3 administrative purposes only. The purpose of the board shall be  
4 to provide programs and standards for training and certification  
5 of law enforcement officers. The law enforcement standards  
6 board shall consist of the following voting members: [~~nine~~]  
7 eight ex officio individuals, two law enforcement officers, and  
8 four members of the public.

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

- 11           (A) Attorney general;
- 12           (B) Director of law enforcement;
- 13           [~~(C)~~] ~~Director of transportation or the director's~~  
14           ~~designee;~~
- 15           [~~(D)~~] (C) Chairperson of the board of land and natural  
16           resources or chairperson's designee;
- 17           [~~(E)~~] (D) Director of taxation or the director's  
18           designee; and
- 19           [~~(F)~~] (E) Chiefs of police of the four counties;

20           (2) The two law enforcement officers shall each have at  
21 least ten years of experience as a law enforcement  
22 officer and shall be appointed by the governor; and

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1           (3) The four members of the public shall consist of one  
2           member of the public from each of the four counties  
3           and shall be appointed by the governor. At least two  
4           of the four members of the public holding a position  
5           on the board at any given time shall:

6           (A) Possess a master's or doctorate degree related to  
7           criminal justice;

8           (B) Possess a law degree and have experience:

9           (i) Practicing in Hawaii as a deputy attorney  
10           general, a deputy prosecutor, deputy public  
11           defender, or private criminal defense  
12           attorney; or

13           (ii) Litigating constitutional law issues in  
14           Hawaii;

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

17           (D) Have work experience in a law enforcement  
18           capacity; provided that experience in a county  
19           police department shall not itself be sufficient  
20           to qualify under this paragraph."

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

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1           "(a) No person shall be appointed or employed as a law  
2 enforcement officer by any county police department, the  
3 department of law enforcement, [~~the department of~~  
4 ~~transportation,~~] the department of land and natural resources,  
5 the department of taxation, or the department of the attorney  
6 general, unless the person possesses a valid certification  
7 issued by the board pursuant to section 139-6(b)."

8           SECTION 38. Section 266-24, Hawaii Revised Statutes, is  
9 amended by amending subsection (a) to read as follows:

10           "~~(a) [The director of transportation shall enforce this~~  
11 ~~chapter and all rules thereunder, except for the rules relative~~  
12 ~~to the control and management of the beaches encumbered with~~  
13 ~~easements in favor of the public and ocean waters, which shall~~  
14 ~~be enforced by the department of land and natural resources.~~  
15 ~~For the purpose of the enforcement of this chapter and of all~~  
16 ~~rules adopted pursuant to this chapter, the powers of police~~  
17 ~~officers are conferred upon the director of transportation and~~  
18 ~~any officer, employee, or representative of the department of~~  
19 ~~transportation. Without limiting the generality of the~~  
20 ~~foregoing, the director and any person appointed by the director~~  
21 ~~hereunder may serve and execute warrants, arrest offenders, and~~  
22 ~~serve notices and orders. The director of transportation and~~

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1 ~~any employee, agent, or representative of the department of~~  
2 ~~transportation appointed as enforcement officers by the~~  
3 ~~director, and every]~~ Every state and county officer charged with  
4 the enforcement of any law, statute, rule, regulation,  
5 ordinance, or order, shall enforce and assist in the enforcement  
6 of this chapter and of all rules and orders issued pursuant  
7 thereto, and in carrying out the responsibilities hereunder,  
8 each shall be specifically authorized to:

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

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

17 and

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

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1       ~~[Any employee appointed as a law enforcement officer by the~~  
2 ~~director of transportation pursuant to this section who has been~~  
3 ~~qualified by training may use electric guns, as specifically~~  
4 ~~provided in section 134-87, when exercising powers of police~~  
5 ~~officers and carrying out the responsibilities described herein,~~  
6 ~~provided that training for the purposes of this section means a~~  
7 ~~course of instruction or training in the use of any electric gun~~  
8 ~~that is provided, authorized, or approved by the manufacturer of~~  
9 ~~the electric gun prior to deployment or issuance of electric~~  
10 ~~guns and related equipment.~~

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

15       SECTION 39. Section 291-31.5, Hawaii Revised Statutes, is  
16 amended by amending subsection (a) to read as follows:

17       "(a) No person shall knowingly operate, affix or cause to  
18 be affixed, display, or possess any lamp, reflector, or  
19 illumination device that appears to be the color blue, or colors  
20 blue and red, upon any motor vehicle, motorcycle, motor scooter,  
21 bicycle, electric foot scooter, or moped, except for:

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- 1           (1) County law enforcement vehicles authorized and  
2           approved by the chief of police of the county in which  
3           the vehicle is operated;
- 4           (2) Department of law enforcement vehicles with blue and  
5           red lamps, reflectors, or illumination devices  
6           authorized and approved by the director of law  
7           enforcement;
- 8           (3) Department of land and natural resources division of  
9           conservation and resources enforcement vehicles with  
10          blue and red lamps, reflectors, or illumination  
11          devices authorized and approved by the chairperson of  
12          the board of land and natural resources; or
- 13          (4) Department of [~~transportation division of harbors~~] the  
14          attorney general law enforcement vehicles with blue  
15          and red lamps, reflectors, or illumination devices  
16          authorized and approved by the [~~director of~~  
17          ~~transportation.~~] attorney general.

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

PART VI

21           SECTION 40. All employees who occupy civil service  
22 positions and whose functions are transferred by this Act shall

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

12 Any employee who, prior to this Act, is exempt from civil  
13 service and is transferred as a consequence of this Act may  
14 continue to retain the employee's exempt status but shall not be  
15 appointed to a civil service position because of this Act. An  
16 exempt employee who is transferred by this Act shall not suffer  
17 any loss of prior service credit, any vacation and sick leave  
18 credits previously earned, or other employee benefits or  
19 privileges as a consequence of this Act, provided that the  
20 employee possesses legal and public employment requirements for  
21 the position to which transferred or appointed, as applicable;  
22 provided that subsequent changes in status may be made pursuant

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1 to applicable employment and compensation laws. The director of  
2 the department to which the employee is transferred may  
3 prescribe the duties and qualifications of such employees and  
4 fix their salaries without regard to chapter 76, Hawaii Revised  
5 Statutes.

6 SECTION 41. All appropriations, records, equipment,  
7 machines, files, supplies, contracts, books, papers, documents,  
8 maps, and other personal property heretofore made, used,  
9 acquired, or held by the department of transportation,  
10 department of the attorney general, department of public safety,  
11 and department of defense relating to the functions transferred  
12 to the department of law enforcement or department of  
13 corrections and rehabilitation shall be transferred with the  
14 functions to which they relate.

15 SECTION 42. All leases, contracts, loans, agreements,  
16 permits, or other documents executed or entered into by or on  
17 behalf of the department of transportation, department of public  
18 safety, department of the attorney general, and department of  
19 defense pursuant to the provisions of the Hawaii Revised  
20 Statutes, that are reenacted or made applicable to the  
21 department of law enforcement or department of corrections and  
22 rehabilitation by this Act shall remain in full force and

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1 effect. Effective January 1, 2023, every reference to the  
2 department of public safety or the director of public safety in  
3 those leases, contracts, loans, agreements, permits, or other  
4 documents shall be construed as a reference to the department of  
5 law enforcement or the director of law enforcement, or the  
6 department of corrections and rehabilitation or the director of  
7 corrections and rehabilitation, as appropriate. Effective July  
8 1, 2023, every reference to the department of transportation or  
9 the director of transportation, the department of the attorney  
10 general or the attorney general, or the department of defense or  
11 the state adjutant general in those leases, contracts, loans,  
12 agreements, permits, or other documents shall be construed as a  
13 reference to the department of law enforcement or the director  
14 of law enforcement, as applicable.

15 SECTION 43. All rules, policies, procedures, guidelines,  
16 and other material adopted or developed by the department of  
17 transportation, department of the attorney general, department  
18 of public safety, or the department of defense to implement  
19 provisions of the Hawaii Revised Statutes that are reenacted or  
20 made applicable to the department of law enforcement or the  
21 department of corrections and rehabilitation by this Act shall  
22 remain in full force and effect until amended or repealed by the

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1 department of law enforcement or department of corrections and  
2 rehabilitation pursuant to chapter 91, Hawaii Revised Statutes.  
3 In the interim, every reference to the department of  
4 transportation or director of transportation, department of the  
5 attorney general or attorney general, department of defense or  
6 state adjutant general, department of public safety or director  
7 of public safety, in those rules, policies, procedures,  
8 guidelines, and other material is amended to refer to the  
9 department of law enforcement or director of law enforcement, or  
10 department of corrections and rehabilitation or director of  
11 corrections and rehabilitation, as appropriate.

12 SECTION 44. No offense committed and no penalty or  
13 forfeiture incurred under the law shall be affected by this Act;  
14 provided that whenever any punishment, penalty, or forfeiture is  
15 mitigated by any provision of this Act, such provision may be  
16 extended and applied to any judgment pronounced after the  
17 passage of this Act. No suit or prosecution pending at the time  
18 this Act takes effect shall be affected by this Act. The right  
19 of any administrative officer whose function is transferred by  
20 this Act to the department of law enforcement or department of  
21 corrections and rehabilitation as the case may be, to institute  
22 proceedings for prosecution for an offense or an action to

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1 recover a penalty or forfeiture shall be vested in the director  
2 of law enforcement, director of corrections and rehabilitation,  
3 or the respective director's designee as may be appropriate.

4 SECTION 45. The right of appeal from administrative  
5 actions or determinations as provided by law shall not be  
6 impaired by this Act. Except as otherwise provided by this Act,  
7 wherever a right of appeal from administrative actions or  
8 determinations is provided by law to or from any officer, board,  
9 department, bureau, commission, administrative agency, or  
10 instrumentality of the State that, or any of the programs of  
11 which, is transferred by this Act to the department of law  
12 enforcement or department of corrections and rehabilitation as  
13 the case may be, the right of appeal shall lie to or from the  
14 department of law enforcement or department of corrections and  
15 rehabilitation as the case may be when the transfer is made.  
16 The right of appeal shall exist to the same extent and in  
17 accordance with the applicable procedures that are in effect  
18 immediately prior to the effective date of this Act.

19 If the provisions of the preceding paragraph relating to  
20 appeals cannot be effected by reason of abolishment, splitting,  
21 or shifting of functions or otherwise, the right of appeal shall

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1 lie to the circuit court of the State pursuant to the Hawaii  
2 rules of civil procedure.

3 SECTION 46. It is the intent of this Act not to jeopardize  
4 the receipt of any federal aid nor to impair the obligation of  
5 the State or any agency thereof to the holders of any bond  
6 issued by the State or by any such agency, and to the extent,  
7 and only to the extent, necessary to effectuate this intent, the  
8 governor is authorized and empowered to modify the strict  
9 provisions of this Act, but shall promptly report any such  
10 modifications with his reasons therefor to the legislature at  
11 its next session thereafter for review by the legislature.

12 SECTION 47. The revisor of statutes may incorporate into  
13 the Hawaii Revised Statutes, any of the provisions contained in  
14 this Act. The revisor of statutes shall substitute the  
15 appropriate department of corrections and rehabilitation or  
16 department of law enforcement reference in all existing statutes  
17 where a department, board, commission, agency, program, or  
18 organizational segment is transferred to the department of  
19 corrections and rehabilitation or department of law enforcement  
20 if such existing statutory language has not been amended by this  
21 Act.

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1 SECTION 48. All laws and parts of laws heretofore enacted  
2 that are in conflict with the provisions of this Act are hereby  
3 amended to conform herewith. All Acts passed during this  
4 regular session of 2022, whether enacted before or after the  
5 passage of this Act, shall be amended to conform to this Act,  
6 unless such Acts specifically provide that the Act relating to a  
7 "department of public safety" are being amended. Amendments  
8 made to sections of the Hawaii Revised Statutes that are amended  
9 by this Act as of a future effective date shall include  
10 amendments made after the approval of this Act and before the  
11 effective date of the amendments made by this Act, to the extent  
12 that the intervening amendments may be harmonized with the  
13 amendments made by this Act.

14 PART VII

15 SECTION 49. There is appropriated out of the general  
16 revenues of the State of Hawaii the sum of \$4,121,309 or so much  
17 thereof as may be necessary for fiscal year 2022-2023 for the  
18 purposes of this Act, including the establishment, hiring, and  
19 filling of positions within the department of law enforcement as  
20 follows:

- 21 (1) \$175,056 for one permanent full-time equivalent (FTE)  
22 director position;

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- 1           (2)   \$322,056 for two permanent full-time equivalent (FTE)  
2           deputy director positions;
- 3           (3)   \$211,032 for three permanent full-time equivalent  
4           (FTE) private secretary positions;
- 5           (4)   \$118,000 for one permanent full-time equivalent (FTE)  
6           special assistant position;
- 7           (5)   \$127,848 for one permanent full-time equivalent (FTE)  
8           administrative services officer position;
- 9           (6)   \$115,950 for one permanent full-time equivalent (FTE)  
10          human resources officer position;
- 11          (7)   \$67,200 for one permanent full-time equivalent (FTE)  
12          planner position;
- 13          (8)   \$228,132 for eight permanent full-time equivalent  
14          (FTE) administrative services and accounting  
15          positions;
- 16          (9)   \$285,636 for nine permanent full-time equivalent (FTE)  
17          information services and technology positions;
- 18          (10)  \$78,630 for four permanent full-time equivalent (FTE)  
19          internal support services positions;
- 20          (11)  \$238,026 for eight permanent full-time equivalent  
21          (FTE) human resources positions;

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- 1       (12) \$75,588 for two permanent full-time equivalent (FTE)
- 2             capital improvement project coordinator positions;
- 3       (13) \$156,699 for four permanent full-time equivalent (FTE)
- 4             litigation coordination positions;
- 5       (14) \$315,360 for nine permanent full-time equivalent (FTE)
- 6             training and staffing development positions;
- 7       (15) \$243,126 for six permanent full-time equivalent (FTE)
- 8             supervisory deputy sheriff positions;
- 9       (16) \$179,217 for five permanent full-time equivalent (FTE)
- 10            office of homeland security investigator positions;
- 11       (17) \$139,596 for four permanent full-time equivalent (FTE)
- 12            civil rights compliance positions;
- 13       (18) \$37,794 for one permanent full-time equivalent (FTE)
- 14            public information officer position; and
- 15       (19) \$1,006,363 for other operation costs.

16       The sum appropriated shall be expended by the department of  
17 law enforcement.

18       SECTION 50. There is appropriated out of the general  
19 revenues of the State of Hawaii the sum of \$280,782 or so much  
20 thereof as may be necessary for fiscal year 2022-2023 for the  
21 purposes of this Act, including the establishment, hiring, and

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1 filling of positions within the department of corrections and  
2 rehabilitation as follows:

3 (1) \$40,872 for one permanent full-time equivalent (FTE)  
4 investigator VI position;

5 (2) \$113,382 for three permanent full-time equivalent  
6 (FTE) investigator V positions;

7 (3) \$22,362 for one permanent full-time equivalent (FTE)  
8 secretary I position; and

9 (4) \$104,166 for three permanent full-time equivalent  
10 (FTE) adult correctional officer 08 (CO-08) sergeant  
11 positions.

12 The sum appropriated shall be expended by the department of  
13 corrections and rehabilitation.

14 SECTION 51. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 52. In codifying the new sections added by  
17 sections 2 and 17 and referenced in sections 3 and 18 of this  
18 Act, the revisor of statutes shall substitute appropriate  
19 section numbers for the letters used in designating the new  
20 sections in this Act.

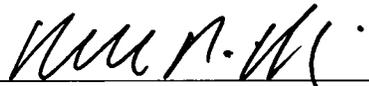
21 SECTION 53. This Act shall take effect upon its approval,  
22 provided that:

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- 1 (1) Parts III and IV shall, upon its approval, take effect  
2 on January 1, 2023;
- 3 (2) Part V shall, upon its approval, take effect on July  
4 1, 2023; and
- 5 (3) The amendments made to section 26-52, Hawaii Revised  
6 Statutes, by sections 4 and 20 of this Act shall not  
7 be repealed when that section is reenacted on June 30,  
8 2024, pursuant to section 4 of Act 90, Session Laws of  
9 Hawaii 2014.

10  
11  
12

INTRODUCED BY:



BY REQUEST

S.B. NO. 3139

**Report Title:**

Relating to Public Safety; Law Enforcement; Corrections and Rehabilitation; 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 January 1, 2023. Transfers the law enforcement functions of the Department of Public Safety to the Department of Law Enforcement effective January 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 July 1, 2023. Appropriates funds to the Department of Law Enforcement and Department of Corrections and Rehabilitation.

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

JUSTIFICATION SHEET

DEPARTMENT: Public Safety

TITLE: A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.

PURPOSE: To enhance state law enforcement and correction services by separating the Department of Public Safety (PSD) into two discrete departments as follows: (1) establish an independent and new Department of Law Enforcement (DLE) with a single mission focus to consolidate and administer criminal law enforcement and investigations functions of the State; and (2) reestablish the PSD as an independent Department of Corrections and Rehabilitation (DOCR) with a single mission focus to administer the corrections, rehabilitation, and reentry of the inmate population.

MEANS: Add a new section to chapter 26 and amend sections 26-4, 26-52, and 76-16, Hawaii Revised Statutes (HRS) (part II); add a new section to chapter 353C and amend the title of chapter 353C and sections 88-21, 139-1, 353C-2, 353C-3, 353C-4, 353C-5(a), (b), and (c), 353C-6, and by reference only to chapter 329, HRS, and twenty seven other HRS sections, (part III); add seven new sections to chapter 353 and amend sections 26-4, 26-14.6, 26-52, 76-16, 846-2.7, HRS, and by reference only to nine other HRS sections; and repeal sections 353C-4.5, 353C-7, 353C-8, and 353C-8.5, HRS (part IV); amend sections 26-21, 128A-2, 128A-3, 128B-1, 139-1, 139-2, 139-7, 266-24(a) and 291-31.5, HRS (part V).

JUSTIFICATION: Currently, PSD provides both correctional and law enforcement services, and certain law enforcement functions and activities are spread across various departments. The goals and functions of corrections and law enforcement are different and distinct. The reorganization of the PSD into two separate departments and centralization of State law

enforcement functions and activities will improve the coordination and effectiveness of services to the inmate population and community.

Part II of bill takes effect upon approval. Part II establishes the DLE by amending chapter 26 and section 76-16, HRS.

Part III takes effect on January 1, 2023. Part III transfers the law enforcement functions and personnel of PSD to DLE by amending chapter 353C and sections 88-21 and 139-1, HRS. Part III also amends chapter 329 and sections 78-52, 134-81, 139-2, 139-7, 200-27, 291-31.5, 334D-5, 350-1.1, 603-29, 604-6.2, 607-4, 607-8, 633-8, 634-11, 634-12, 634-22, 634-29, 651-1, 652-1.5, 652-2, 652-2.5, 652-2.6, 654-2, 666-11, 666-21, and 844D-38, HRS, to reflect the transfer of these functions from PSD to DLE.

Part IV takes effect on January 1, 2023. Part IV renames PSD as the Department of Corrections and Rehabilitation by further amending chapter 26 and 76-16, HRS. Part IV also adds new sections to chapters 353 and repeals 353C, HRS, so that the authority and responsibilities of DOCR are set forth in chapter 353, while the authority and responsibilities of DLE are set forth in chapter 353C. Part IV further amends sections 134-2, 353B-3, 353L-3, 353L-5, 354D-2, 707-732, 801D-4, 804-7, and 846-2.7, HRS, to reflect the renaming of PSD to DOCR.

Part V takes effect on July 1, 2023. Part V transfers the law enforcement functions and personnel of the Department of Transportation (DOT) and the non-statutorily mandated law enforcement functions and personnel of the Investigations Division of the Department of the Attorney General (ATG) to DLE. Part V also transfers the Office of Homeland Security from the Department of Defense (DOD) to DLE. Part V further amends sections 26-21, 128A-2, 128A-3, 128B-1, 139-

1, 139-7, 266-24, and 291-31.5, HRS, to reflect the transfer of these functions to DLE.

Part VI provides for the retention of civil service status and related rights of transferred employees. Part VI also transfers any appropriations, equipment, contracts, leases, policies, rules, guidelines, and other items to the respective departments as provided in the bill.

Part VII appropriates funds to DLE to establish and fill new positions and for costs that are required for DLE's operations. Part VII further appropriates funds to DOCR to establish and fill new positions that will be required for the operation of DOCR when parts III and IV take effect on January 1, 2023.

Impact on the public: The centralization of State law enforcement into a single command structure will provide the highest level of law enforcement services, streamline communication, promote accountability and operational flexibility, establish uniform standards and training, and improve the ability to address State priorities with county law enforcement partners. Also, the consolidation of state law enforcement will increase the public's understanding of the structure, functions, and services of State law enforcement which will increase the community's access to law enforcement services.

Impact on the department and other agencies: The consolidation of state law enforcement will positively impact PSD, DOT, DOD, and ATG. DOCR will also benefit by having a singular focus on which to concentrate efforts to update correctional and rehabilitative best practices into its programs.

GENERAL FUND: \$4,402,091.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION:

OTHER AFFECTED  
AGENCIES: Department of Transportation, Department of  
Defense, and the Department of the Attorney  
General.

EFFECTIVE DATE: Upon approval, except for parts III and IV,  
which, upon its approval, take effect on  
January 1, 2023, and part V, which, upon its  
approval, takes effect on July 1, 2023.