
A BILL FOR AN ACT

RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022.

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

1 SECTION 1. Section 26-14.8, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

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

9 SECTION 2. Act 278, Session Laws of Hawaii 2022, is
10 amended by amending section 1 to read as follows:

11 "SECTION 1. The purpose of this Act is to:

12 (1) Establish a new department of law enforcement to
13 consolidate and administer the criminal law
14 enforcement and investigations functions of the
15 department of transportation, certain [~~investigations~~
16 ~~functions~~] investigator positions of the department of
17 the attorney general, functions of the office of



1 homeland security, and current law enforcement and
2 investigations functions of the department of public
3 safety;

4 (2) Rename the department of public safety as the
5 department of corrections and rehabilitation, which
6 will administer the corrections, rehabilitation,
7 reentry, and related functions currently assigned to
8 the department of public safety;

9 (3) Establish a training center within the department of
10 law enforcement;

11 (4) Transfer employees, appropriations, records,
12 equipment, leases, contracts, other documents, rules,
13 policies, procedures, guidelines, and other material,
14 as appropriate, to the respective departments; and

15 (5) Establish positions for the department of law
16 enforcement and the department of corrections and
17 rehabilitation, and appropriate funds for the
18 department of law enforcement.

19 Currently, corrections and certain law enforcement
20 functions and activities are placed within the department of
21 public safety. The legislature finds that the goals and



1 functions of corrections and law enforcement are different and
2 distinct and separating the functions of corrections and law
3 enforcement from the department of public safety into two
4 departments would best accomplish the discrete goals and
5 objectives of both functions.

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



1 costs, reduce duplication of efforts, and provide uniform
2 training and standards.

3 The goals of the department of law enforcement would
4 include:

- 5 (1) Establishing a partnership with the federal Joint
6 Terrorism Task Force to protect the State from
7 domestic and foreign threats;
- 8 (2) Eliminating the narcotics epidemic that plagues
9 Hawaii's communities through its commitment of
10 investigators in the federal High Intensity Drug
11 Trafficking Area task forces;
- 12 (3) Expanding the narcotics canine program; and
- 13 (4) Reducing gun violence and other violent criminal acts
14 in island communities through participation in the
15 federal Project Safe Neighborhoods program.

16 This Act also establishes a training center within the
17 department of law enforcement to provide its law enforcement
18 entities the highest level of core and continuing education and
19 training. The training center will also be made available to
20 federal, state, and county law enforcement agencies upon their
21 request. The development of a department of law enforcement



1 training center, where all department of law enforcement
2 officers who intend to work on any island of Hawaii must be
3 certified, will ensure that all department of law enforcement
4 officers meet the standards set by the law enforcement standards
5 board established in chapter 139, Hawaii Revised Statutes. The
6 center will also ensure that the individuals who earn its
7 certification have learned the highest level of core and
8 continuing education and training. The center's curriculum will
9 be designed to ensure that the individuals trained here have the
10 knowledge and skills to protect and serve the public and will be
11 held accountable if they do not uphold the standards set by the
12 law enforcement standards board.

13 The legislature also finds that consolidating adult
14 corrections, reentry services, and other related functions into
15 a separate department of corrections and rehabilitation will
16 allow for the efficient use of resources in administering
17 correctional programs and administering and maintaining public
18 and private correctional services. The Hawaii correctional
19 industries, Hawaii paroling authority, and crime victim
20 compensation commission will be administered by the department
21 of corrections and rehabilitation.



1 The legislature intends that patrol officers assigned to
2 the department of law enforcement continue to retain the title
3 of deputy sheriffs. During the Kingdom of Hawaii, sheriffs
4 oversaw law enforcement activities on each island under the
5 supervision of a kingdom-wide marshal. From 1905 to 1960,
6 sheriffs protected the public as elected county officials,
7 including Duke Kahanamoku, who was elected Honolulu sheriff from
8 1934 to 1960. Modern-day deputy sheriffs have protected the
9 people of Hawaii for nearly fifty years, beginning in 1963 when
10 the legislature created the office of the sheriff within the
11 department of the attorney general.

12 The legislature does not intend to impair or diminish the
13 longstanding authority and responsibility of county police
14 departments to enforce the laws, along with state law
15 enforcement, on state lands within their respective counties.
16 County police departments will continue to have full law
17 enforcement authority and responsibility, and in particular will
18 continue to have concurrent jurisdiction with respect to state
19 parks, state buildings, state highways, Hawaiian home lands, and
20 other state lands and facilities.



1 Part II of this Act is to be effective upon approval of
2 this Act. Part II establishes a department of law enforcement
3 and its director and deputy directors. The department of law
4 enforcement will initially be staffed by its director, deputy
5 directors, and certain administrative staff. These personnel
6 will prepare for the transfer of state law enforcement functions
7 and personnel to the department on January 1, 2024.

8 Part III of this Act is to be effective on January 1, 2024.
9 Part III transfers the law enforcement functions and personnel
10 from the department of public safety to the department of law
11 enforcement and makes conforming amendments.

12 Part IV of this Act is to be effective on January 1, 2024.
13 Part IV renames the department of public safety as the
14 department of corrections and rehabilitation and the director of
15 public safety as the director of corrections and rehabilitation,
16 establishes its deputy directors, and makes conforming
17 amendments so that the authority and responsibilities of the
18 department of corrections and rehabilitation are set forth in
19 chapter 353, Hawaii Revised Statutes, while the authority and
20 responsibilities of the department of law enforcement are set
21 forth in chapter 353C, Hawaii Revised Statutes.



1 Part V of this Act is to be effective on January 1, 2024.
2 Part V transfers the law enforcement and security functions and
3 personnel of the harbors division of the department of
4 transportation, [~~the non-statutorily mandated functions and~~
5 certain law enforcement personnel of the investigations division
6 of the department of the attorney general, and the office of
7 homeland security of the department of defense to the department
8 of law enforcement.

9 Part VI of this Act provides for the retention of civil
10 service status and related rights of transferred employees and
11 transfers any appropriations, equipment, contracts, leases,
12 policies, rules, guidelines, and other items to the respective
13 departments as provided in this Act.

14 Part VII of this Act is to be effective on July 1, 2022.
15 Part VII establishes new positions within the department of law
16 enforcement that are required for the department's operations.
17 These positions include the director of law enforcement, deputy
18 directors, and certain administrative positions that will staff
19 the department, as well as new positions that will be required
20 when parts III and V take effect on January 1, 2024. Part VII
21 also appropriates funds to the department of law enforcement to



1 fill certain positions that will be required to prepare the
2 department for the transfer of functions, personnel, and assets
3 from other departments on January 1, 2024. Part VII further
4 requires the department of law enforcement to report to the
5 legislature, no later than twenty days prior to the convening of
6 the regular session of 2023, the progress made in preparing for
7 the transfer of law enforcement functions to the department on
8 January 1, 2024.

9 Part VIII of this Act is to be effective on January 1,
10 2024. Part VIII establishes new positions within the department
11 of corrections and rehabilitation that will be required for the
12 operation of the department when parts III and IV take effect on
13 January 1, 2024."

14 SECTION 3. Act 278, Session Laws of Hawaii 2022, is
15 amended by amending section 7 to read as follows:

16 "SECTION 7. Chapter 353C, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "**§353C- Statewide law enforcement training center; law**
20 **enforcement complex.** There is established within the department
21 a department of law enforcement training center. The center



1 shall provide training and administer certification requirements
2 of all state department of law enforcement personnel who
3 exercise police powers in the State, and be available for all
4 county law enforcement agencies[-] and other state law
5 enforcement personnel who exercise police powers in the State.
6 Such training shall conform to uniform statewide standards set
7 by the law enforcement standards board pursuant to chapter 139.
8 The center shall operate and maintain such facilities as are
9 necessary to conduct training and certification under this
10 section. A new law enforcement complex at the [~~Mililani~~
11 ~~technology park,~~] first responder technology campus, Oahu, is
12 also established, to be administered by the department of law
13 enforcement for multi-purpose law enforcement use to consolidate
14 and support:

- 15 (1) The respective headquarters and administrative
16 services of the affected functions involved;
- 17 (2) Training; and
- 18 (3) Related support services and facilities,

19 as required by law for the department of law enforcement to
20 operate and function.""



1 SECTION 4. Act 278, Session Laws of Hawaii 2022, is
2 amended by amending section 11 to read as follows:

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

5 "**353C-2 Director of law enforcement; powers and duties.**

6 The director of law enforcement shall administer the public
7 safety programs of the department and shall be responsible for
8 the formulation and implementation of state goals and objectives
9 for state criminal law enforcement programs and homeland
10 security, including the deployment of adequate resources and
11 coordination with county police departments to protect the
12 health and safety of homestead communities on Hawaiian home
13 lands. In the administration of these programs, the director
14 may:

15 (1) Preserve the public peace, prevent crime, detect and
16 arrest offenders against the law, protect the rights
17 of persons and property, and enforce and prevent
18 [~~violation~~] violations of all laws and administrative
19 rules of the State as the director deems to be
20 necessary or desirable or upon request, to assist
21 other state officers or agencies that have primary



- 1 administrative responsibility over specific subject
2 matters or programs;
- 3 (2) Train, equip, maintain, and supervise the force of law
4 enforcement officers and other employees of the
5 department;
- 6 (3) Serve process both in civil and criminal proceedings;
7 (4) Perform other duties as may be required by law;
8 (5) Adopt, pursuant to chapter 91, rules that are
9 necessary or desirable for the administration of state
10 criminal law enforcement programs; and
- 11 (6) Enter into contracts on behalf of the department and
12 take all actions deemed necessary and appropriate for
13 the proper and efficient administration of the
14 department."

15 SECTION 5. Act 278, Session Laws of Hawaii 2022, is
16 amended by amending section 21 to read as follows:

17 "SECTION 21. Section 26-14.6, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§26-14.6 Department of corrections and rehabilitation.**

20 (a) The department of corrections and rehabilitation shall be



1 headed by a single executive to be known as the director of
2 corrections and rehabilitation.

3 (b) The department of corrections and rehabilitation shall
4 be responsible for the formulation and implementation of state
5 policies and objectives for the correctional system statewide
6 and for the administration and maintenance of all public or
7 private correctional facilities and services.

8 (c) Effective July 1, 1990, the Hawaii paroling authority
9 and the crime victim compensation commission are placed within
10 the department of public safety for administrative purposes
11 only, and effective January 1, 2024, the Hawaii paroling
12 authority and the crime victim compensation commission are
13 placed within the department of corrections and rehabilitation
14 for administrative purposes only.

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

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

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



1 (3) The department of the attorney general relating to
2 state law enforcement officers and narcotics
3 enforcement investigators with the narcotics
4 enforcement division,
5 shall be transferred to the department of public safety.
6 Effective January 1, 2024, the functions and authority
7 transferred in paragraph (1) shall be transferred to the
8 department of corrections and rehabilitation, and the functions
9 and authority transferred in paragraphs (2) and (3) shall be
10 transferred to the department of law enforcement.

11 (e) Effective July 1, 1990, the functions and authority
12 heretofore exercised by the department of health pursuant to
13 chapters 329 and 329C, with the exception of sections 329-2,
14 329-3, and 329-4(3) to [~~4~~], (5), shall be transferred to the
15 department of public safety; and effective January 1, 2024,
16 those functions and authority shall be transferred to the
17 department of law enforcement.

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



1 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
2 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
3 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
4 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,
5 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6, 603-
6 29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8, 634-11, 634-12,
7 634-21, 634-22, 651-33, 651-37, 651-51, 654-2, 655-2, 657-13,
8 660-16, 666-11, 666-21, 803-23, 803-34, 803-35, 804-14, 804-18,
9 804-41, 805-1, 806-71, and 832-23 shall be exercised to the same
10 extent by the department of public safety; and effective
11 January 1, 2024, those functions, authority, and obligations
12 shall be exercised to the same extent by the department of law
13 enforcement.

14 (g) Effective January 1, 1993, the functions and authority
15 heretofore exercised by the attorney general and the department
16 of the attorney general relating to the executive security
17 officers shall be transferred to the department of public
18 safety; and effective January 1, 2024, those functions and
19 authority shall be transferred to the department of law
20 enforcement.



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

9 (i) Effective January 1, 1993, the functions and authority
10 heretofore exercised by the director of health and the
11 department of health relating to uniformed security employees
12 and security contracts at various state hospitals throughout the
13 State shall be transferred to the department of public safety;
14 and effective January 1, 2024, those functions and authority
15 shall be transferred to the [~~department of law enforcement.~~]
16 department of health. Effective July 1, 2005, the functions,
17 authority, and employee positions of the department of public
18 safety relating to uniformed security employees and security
19 contracts at health facilities that are under the operation,
20 management, and control of the Hawaii health systems corporation
21 shall be transferred to the Hawaii health systems corporation.



1 (j) Effective January 1, 1993, the functions and authority
2 heretofore exercised by the director of human services and the
3 department of human services relating to contractual security
4 guard services shall be transferred to the department of public
5 safety; and effective January 1, 2024, those functions and
6 authority shall be transferred to the [~~department of law~~
7 ~~enforcement.~~] department of human services.

8 (k) Effective July 1, 1994, the functions and authority
9 heretofore exercised by the adjutant general relating to
10 security for national guard and state emergency management
11 facilities in the Diamond Head complex, for after work hours,
12 shall be transferred to the department of public safety; and
13 effective January 1, 2024, those functions and authority shall
14 be transferred to the [~~department of law enforcement.~~]
15 department of defense.

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



1 the libraries, shall be transferred to the department of
2 education and the public library system as appropriate."

3 SECTION 6. Act 278, Session Laws of Hawaii 2022, is
4 amended by amending section 34 to read as follows:

5 "SECTION 34. [~~All rights, powers, functions, and duties of~~
6 ~~the employees of the investigations division of the]~~ The
7 department of the attorney general [~~performing non-statutorily~~
8 ~~mandated functions are transferred]~~ shall transfer one chief
9 investigator position, nineteen investigator positions, and one
10 administrative secretary position from the investigations
11 division of the department of the attorney general to the
12 department of law enforcement.

13 Nothing in this Act shall be construed as infringing,
14 amending, or abrogating, in whole or in part, the attorney
15 general's role as chief legal and law enforcement officer of the
16 State, or any rights, powers, functions, and duties of the
17 attorney general."

18 SECTION 7. Act 278, Session Laws of Hawaii 2022, is
19 amended by amending section 48 to read as follows:

20 "SECTION 48. All appropriations, records, equipment,
21 machines, files, supplies, contracts, books, papers, documents,



1 maps, and other personal property heretofore made, used,
2 acquired, or held by the department of transportation,
3 department of the attorney general, department of public safety,
4 and department of defense relating to the functions or positions
5 transferred to the department of law enforcement or department
6 of corrections and rehabilitation shall be transferred with the
7 functions or positions to which they relate."

8 SECTION 8. Act 278, Session Laws of Hawaii 2022, is
9 amended by amending section 49 to read as follows:

10 "Section 49. All leases, contracts, loans, agreements,
11 permits, or other documents executed or entered into by or on
12 behalf of the department of transportation, department of public
13 safety, [~~department of the attorney general,~~] and department of
14 defense pursuant to the provisions of the Hawaii Revised
15 Statutes relating to the functions transferred to the department
16 of law enforcement or department of corrections and
17 rehabilitation that are reenacted or made applicable to the
18 department of law enforcement or department of corrections and
19 rehabilitation by this Act shall remain in full force and
20 effect. Effective January 1, 2024, every reference to the
21 department of public safety or the director of public safety in



1 those leases, contracts, loans, agreements, permits, or other
2 documents relating to the functions transferred to the
3 department of law enforcement or department of corrections and
4 rehabilitation shall be construed as a reference to the
5 department of law enforcement or the director of law
6 enforcement, or the department of corrections and rehabilitation
7 or the director of corrections and rehabilitation, as
8 appropriate. Effective January 1, 2024, every reference to the
9 department of transportation or the director of transportation[~~7~~
10 ~~department of the attorney general or the attorney general,~~] or
11 the department of defense or the state adjutant general in those
12 leases, contracts, loans, agreements, permits, or other
13 documents relating to the functions transferred to the
14 department of law enforcement shall be construed as a reference
15 to the department of law enforcement or the director of law
16 enforcement, as applicable. The department of the attorney
17 general and the department of law enforcement shall identify
18 leases, contracts, loans, agreements, permits, or other
19 documents executed or entered into by or on behalf of the
20 department of the attorney general concerning the positions
21 transferred from the investigations division of the department



1 of the attorney general and negotiate the transfer of criminal
2 law enforcement obligations thereunder to the department of law
3 enforcement, effective January 1, 2024."

4 SECTION 9. Act 278, Session Laws of Hawaii 2022, is
5 amended by amending section 55 to read as follows:

6 "SECTION 55. All laws and parts of laws heretofore enacted
7 that are in conflict with the provisions of this Act are hereby
8 amended to conform herewith[-]; provided that no laws and parts
9 of laws concerning the attorney general or the department of the
10 attorney general, including chapter 28, Hawaii Revised Statutes,
11 shall be amended or modified by this Act. All Acts passed
12 during this regular session of 2022, whether enacted before or
13 after the passage of this Act, shall be amended to conform to
14 this Act, unless the Acts specifically provide that the Act
15 relating to a "department of public safety" are being
16 amended[-]; provided that no laws and parts of laws concerning
17 the attorney general or the department of the attorney general,
18 including chapter 28, Hawaii Revised Statutes, shall be amended
19 or modified by this Act. Amendments made to sections of the
20 Hawaii Revised Statutes that are amended by this Act as of a
21 future effective date shall include amendments made after the



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

5 SECTION 10. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 11. This Act shall take effect on June 30, 3000.

8



Report Title:

Act 278, Session Laws of Hawaii 2022; Attorney General;
Department of the Attorney General; Department of Defense;
Department of Health, Department of Human Services;
Investigators; Private Security Contracts

Description:

Amends Act 278, Session Laws of Hawaii 2022, to modify the transfer of the personnel and functions of the department of the attorney general to the department of law enforcement, clarify that Act 278 does not amend or abrogate the attorney general's status as the chief legal and law enforcement officer of the State, specify that the statewide law enforcement training complex will be located at the first responder technology campus rather than the Mililani technology park, and transfer the responsibility and management of certain private security contracts from the department of law enforcement to the department of defense, department of health, and department of human services for their respective facilities. Effective 6/30/3000. (HD1)

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

