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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

1           SECTION 1. Act 278, Session Laws of Hawaii 2022,  
2 established a new department of law enforcement to consolidate  
3 and administer state criminal law enforcement and investigations  
4 functions for the purpose of providing the highest level of law  
5 enforcement service for the public, state employees, and state  
6 properties by centralizing state law enforcement functions to  
7 increase public safety, improve decision making, promote  
8 accountability, streamline communication, decrease costs, reduce  
9 duplication of efforts, and provide uniform training and  
10 standards.

11           The department of law enforcement has also been given the  
12 mandate to establish a statewide law enforcement training center  
13 within the department to provide core and continuing education  
14 and training and that would be made available to state and  
15 county law enforcement agencies. The statewide law enforcement  
16 training center and its curriculum is intended to ensure  
17 individuals trained there have the highest level of education



1 and training with knowledge and skills to protect and serve the  
2 public. The training will also ensure that all officers meet  
3 the standards set by the law enforcement standards board  
4 established in chapter 139, Hawaii Revised Statutes, and are  
5 held accountable if they do not uphold the standards set by the  
6 law enforcement standards board. Section 353C-9, Hawaii Revised  
7 Statutes, requires the department of law enforcement to "pursue  
8 and obtain accreditation for the sheriff division from the  
9 Commission on Accreditation for Law Enforcement Agencies, Inc."

10 The purpose of this Act is to:

- 11 (1) Require the department of law enforcement to pursue  
12 and obtain accreditation from the Commission on  
13 Accreditation for Law Enforcement Agencies, Inc., for  
14 all divisions and sections within the department of  
15 law enforcement, not just the sheriff division; and  
16 (2) Establish CALEA coordinator positions, exempt from  
17 civil service, within the department of law  
18 enforcement to ensure the department meets and  
19 maintains the standards and accreditation of the  
20 Commission on Accreditation for Law Enforcement  
21 Agencies, Inc., and that law enforcement officers of



1           the department of law enforcement meet the standards  
2           set by the law enforcement standards board.

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

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

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

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



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



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

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



1 circuit, two additional law clerks for the criminal  
2 motions judge of the circuit court of the first  
3 circuit, and two law clerks for the administrative  
4 judge of the district court of the first circuit; and  
5 one private secretary for the administrative director  
6 of the courts, the deputy administrative director of  
7 the courts, each department head, each deputy or first  
8 assistant, and each additional deputy, or assistant  
9 deputy, or assistant defined in paragraph (16);  
10 (10) First deputy and deputy attorneys general, the  
11 administrative services manager of the department of  
12 the attorney general, one secretary for the  
13 administrative services manager, an administrator and  
14 any support staff for the criminal and juvenile  
15 justice resources coordination functions, and law  
16 clerks;  
17 (11) (A) Teachers, principals, vice-principals, complex  
18 area superintendents, deputy and assistant  
19 superintendents, other certificated personnel, no  
20 more than twenty noncertificated administrative,



1 professional, and technical personnel not engaged  
2 in instructional work;

3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual/bicultural  
5 school-home assistants, school psychologists,  
6 psychological examiners, speech pathologists,  
7 athletic health care trainers, alternative school  
8 work study assistants, alternative school  
9 educational/supportive services specialists,  
10 alternative school project coordinators, and  
11 communications aides in the department of  
12 education;

13 (C) The special assistant to the state librarian and  
14 one secretary for the special assistant to the  
15 state librarian; and

16 (D) Members of the faculty of the University of  
17 Hawaii, including research workers, extension  
18 agents, personnel engaged in instructional work,  
19 and administrative, professional, and technical  
20 personnel of the university;



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



- 1 (15) Positions filled by persons employed on a fee,  
2 contract, or piecework basis, who may lawfully perform  
3 their duties concurrently with their private business  
4 or profession or other private employment and whose  
5 duties require only a portion of their time, if it is  
6 impracticable to ascertain or anticipate the portion  
7 of time to be devoted to the service of the State;
- 8 (16) Positions of first deputies or first assistants of  
9 each department head appointed under or in the manner  
10 provided in section 6, article V, of the Hawaii State  
11 Constitution; three additional deputies or assistants  
12 either in charge of the highways, harbors, and  
13 airports divisions or other functions within the  
14 department of transportation as may be assigned by the  
15 director of transportation, with the approval of the  
16 governor; one additional deputy in the department of  
17 human services either in charge of welfare or other  
18 functions within the department as may be assigned by  
19 the director of human services; four additional  
20 deputies in the department of health, each in charge  
21 of one of the following: behavioral health,



1 environmental health, hospitals, and health resources  
2 administration, including other functions within the  
3 department as may be assigned by the director of  
4 health, with the approval of the governor; two  
5 additional deputies in charge of the law enforcement  
6 programs, administration, or other functions within  
7 the department of law enforcement as may be assigned  
8 by the director of law enforcement, with the approval  
9 of the governor; three additional deputies each in  
10 charge of the correctional institutions,  
11 rehabilitation services and programs, and  
12 administration or other functions within the  
13 department of corrections and rehabilitation as may be  
14 assigned by the director [~~or~~] of corrections and  
15 rehabilitation, with the approval of the governor; an  
16 administrative assistant to the state librarian; and  
17 an administrative assistant to the superintendent of  
18 education;

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



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

5 (B) All of the positions defined by paragraph (9)  
6 shall be included in the position classification  
7 plan;

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

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

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

19 (21) Employees hired under the tenant hire program of the  
20 Hawaii public housing authority; provided that ~~not~~  
21 no more than twenty-six per cent of the authority's



- 1 workforce in any housing project maintained or  
2 operated by the authority shall be hired under the  
3 tenant hire program;
- 4 (22) Positions of the federally funded expanded food and  
5 nutrition program of the University of Hawaii that  
6 require the hiring of nutrition program assistants who  
7 live in the areas they serve;
- 8 (23) Positions filled by persons with severe disabilities  
9 who are certified by the state vocational  
10 rehabilitation office that they are able to perform  
11 safely the duties of the positions;
- 12 (24) The sheriff;
- 13 (25) A gender and other fairness coordinator hired by the  
14 judiciary;
- 15 (26) Positions in the Hawaii National Guard youth and adult  
16 education programs;
- 17 (27) In the state energy office in the department of  
18 business, economic development, and tourism, all  
19 energy program managers, energy program specialists,  
20 energy program assistants, and energy analysts;



- 1 (28) Administrative appeals hearing officers in the  
2 department of human services;
- 3 (29) In the Med-QUEST division of the department of human  
4 services, the division administrator, finance officer,  
5 health care services branch administrator, medical  
6 director, and clinical standards administrator;
- 7 (30) In the director's office of the department of human  
8 services, the enterprise officer, information security  
9 and privacy compliance officer, security and privacy  
10 compliance engineer, security and privacy compliance  
11 analyst, information technology implementation  
12 manager, assistant information technology  
13 implementation manager, resource manager,  
14 community/project development director, policy  
15 director, special assistant to the director, and  
16 limited English proficiency project  
17 manager/coordinator;
- 18 (31) The Alzheimer's disease and related dementia services  
19 coordinator in the executive office on aging;
- 20 (32) In the Hawaii emergency management agency, the  
21 executive officer, public information officer, civil



1 defense administrative officer, branch chiefs, and  
2 emergency operations center state warning point  
3 personnel; provided that for state warning point  
4 personnel, the director shall determine that  
5 recruitment through normal civil service recruitment  
6 procedures would result in delay or noncompliance;

7 (33) The executive director and seven full-time  
8 administrative positions of the school facilities  
9 authority;

10 (34) Positions in the Mauna Kea stewardship and oversight  
11 authority;

12 (35) In the office of homeland security of the department  
13 of law enforcement, the statewide interoperable  
14 communications coordinator; ~~and~~

15 (36) In the social services division of the department of  
16 human services, the business technology analyst~~(-)~~;  
17 and

18 (37) In the department of law enforcement, five CALEA  
19 coordinator positions.

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



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

3 SECTION 3. Section 353C-9, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§353C-9[+] **Department accreditation required.** The  
6 department shall pursue and obtain accreditation for [~~the~~  
7 ~~sheriff division~~] all divisions and sections within the  
8 department from the Commission on Accreditation for Law  
9 Enforcement Agencies, Inc."

10 SECTION 4. Five full-time equivalent (5.0 FTE) CALEA  
11 coordinator positions shall be established within the department  
12 of law enforcement to ensure the department meets and maintains  
13 the standards and accreditation of the Commission on  
14 Accreditation for Law Enforcement Agencies, Inc., and that law  
15 enforcement officers of the department of law enforcement meet  
16 the standards set by the law enforcement standards board  
17 established in chapter 139, Hawaii Revised Statutes. These  
18 positions shall be appointed and terminated by the director  
19 without regard to chapter 76, Hawaii Revised Statutes. The  
20 director may fix the compensation of these positions.



1 SECTION 5. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3 SECTION 6. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Law Enforcement; Accreditation; Positions;  
Exemption

**Description:**

Expands the requirement that the Department of Law Enforcement pursue and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc., to all divisions and sections within the Department. Establishes five CALEA coordinator positions, exempt from civil service, within the Department of Law Enforcement. Effective 7/1/3000. (HD2)

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

