

JAN 19 2024

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. The legislature finds that for more than one
2 hundred seventy-five years, sheriffs have carried out critical
3 law enforcement duties in Hawai'i. The role of sheriff dates
4 back to King Kamehameha III, and the title of "sheriff", along
5 with "marshal", is well-documented. The Hawai'i sheriff is the
6 only law enforcement agency in the nation that was created by a
7 monarch and the rich legacy of its deputies, and the office for
8 which they serve, is historic and unique. Institutionally,
9 Hawai'i sheriffs existed before 'Iolani Palace was built, and the
10 deputies have participated in significant events throughout
11 history.

12 The legislature further finds that in 1846, the office of
13 the marshal was established to oversee law enforcement for all
14 islands in the Kingdom and the marshal appointed a sheriff for
15 each island. In 1900, the office of the marshal was replaced by
16 the office of the high sheriff. In 1959, the structure of the
17 office of the high sheriff was reorganized and placed under the



1 authority of the attorney general. The office was later
2 transferred to the judiciary and then to the department of
3 public safety. Most recently, Act 278, Session Laws of Hawaii
4 2022, transferred the office of the sheriff to the newly-
5 established department of law enforcement.

6 The legislature further finds that the office of the
7 sheriff provides a wide range of law enforcement services
8 statewide. Its mission is to preserve the peace by protecting
9 all persons and property within the State. The office provides
10 primary law enforcement services for the Honolulu International
11 Airport and the surrounding industrial area. Deputy sheriffs
12 respond to emergency calls for service in the central Honolulu
13 Civic Center where state properties are intermixed with the city
14 and county of Honolulu. Deputies participate in federal task
15 force operations statewide, and provide protective details to
16 the governor, lieutenant governor, and, upon request, national
17 and international dignitaries. Deputy sheriffs are vested with
18 the authority of a police officer and enforce the Hawaii Revised
19 Statutes. There are approximately three hundred sheriffs, each
20 of whom completes law enforcement training, carries a firearm,
21 and takes an oath of office.



1 The legislature considers it important to protect the
2 distinctive and culturally significant role that the Hawai'i
3 sheriffs hold in the unique history of the State, and to
4 recognize the work of the sheriffs and appropriately name the
5 department that they represent.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Rename the department of law enforcement to the
8 "department of the state sheriff";
- 9 (2) Rename the director of the department, who is
10 appointed by the governor, to "state sheriff";
- 11 (3) Rename the two deputy directors, who are appointed by
12 the state sheriff, to the "undersheriff of law
13 enforcement" and "undersheriff of administration"; and
- 14 (4) Require the state sheriff to designate a law
15 enforcement officer to be the assistant sheriff to the
16 undersheriff of law enforcement.

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

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



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

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

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

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



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



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



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

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

10 (11) (A) Teachers, principals, vice-principals, complex
11 area superintendents, deputy and assistant
12 superintendents, other certificated personnel, no
13 more than twenty noncertificated administrative,
14 professional, and technical personnel not engaged
15 in instructional work;

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



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

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

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

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

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



1 (B) Positions filled with students in accordance with
2 guidelines for established state employment
3 programs; and

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

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

16 (15) Positions filled by persons employed on a fee,
17 contract, or piecework basis, who may lawfully perform
18 their duties concurrently with their private business
19 or profession or other private employment and whose
20 duties require only a portion of their time, if it is



1 impracticable to ascertain or anticipate the portion
2 of time to be devoted to the service of the State;
3 (16) Positions of first deputies or first assistants of
4 each department head appointed under or in the manner
5 provided in section 6, article V, of the Hawaii State
6 Constitution; three additional deputies or assistants
7 either in charge of the highways, harbors, and
8 airports divisions or other functions within the
9 department of transportation as may be assigned by the
10 director of transportation, with the approval of the
11 governor; one additional deputy in the department of
12 human services either in charge of welfare or other
13 functions within the department as may be assigned by
14 the director of human services; four additional
15 deputies in the department of health, each in charge
16 of one of the following: behavioral health,
17 environmental health, hospitals, and health resources
18 administration, including other functions within the
19 department as may be assigned by the director of
20 health, with the approval of the governor; two
21 additional [~~deputies~~] undersheriffs in charge of the



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

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

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



- 1 (B) All of the positions defined by paragraph (9)
2 shall be included in the position classification
3 plan;
- 4 (18) Positions in the state foster grandparent program and
5 positions for temporary employment of senior citizens
6 in occupations in which there is a severe personnel
7 shortage or in special projects;
- 8 (19) Household employees at the official residence of the
9 president of the [~~University~~] university of Hawaii;
- 10 (20) Employees in the department of education engaged in
11 the supervision of students during meal periods in the
12 distribution, collection, and counting of meal
13 tickets, and in the cleaning of classrooms after
14 school hours on a less than half-time basis;
- 15 (21) Employees hired under the tenant hire program of the
16 Hawaii public housing authority; provided that not
17 more than twenty-six per cent of the authority's
18 workforce in any housing project maintained or
19 operated by the authority shall be hired under the
20 tenant hire program;



- 1 (22) Positions of the federally funded expanded food and
2 nutrition program of the [University] university of
3 Hawaii that require the hiring of nutrition program
4 assistants who live in the areas they serve;
- 5 (23) Positions filled by persons with severe disabilities
6 who are certified by the state vocational
7 rehabilitation office that they are able to perform
8 safely the duties of the positions;
- 9 (24) The sheriff;
- 10 (25) A gender and other fairness coordinator hired by the
11 judiciary;
- 12 (26) Positions in the Hawaii National Guard youth and adult
13 education programs;
- 14 (27) In the state energy office in the department of
15 business, economic development, and tourism, all
16 energy program managers, energy program specialists,
17 energy program assistants, and energy analysts;
- 18 (28) Administrative appeals hearing officers in the
19 department of human services;
- 20 (29) In the Med-QUEST division of the department of human
21 services, the division administrator, finance officer,



1 health care services branch administrator, medical
2 director, and clinical standards administrator;
3 (30) In the director's office of the department of human
4 services, the enterprise officer, information security
5 and privacy compliance officer, security and privacy
6 compliance engineer, security and privacy compliance
7 analyst, information technology implementation
8 manager, assistant information technology
9 implementation manager, resource manager,
10 community/project development director, policy
11 director, special assistant to the director, and
12 limited English proficiency project
13 manager/coordinator;
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



1 recruitment through normal civil service recruitment
2 procedures would result in delay or noncompliance;

3 (33) The executive director and seven full-time
4 administrative positions of the school facilities
5 authority;

6 (34) Positions in the Mauna Kea stewardship and oversight
7 authority;

8 (35) In the office of homeland security of the department
9 of [~~law enforcement,~~] the state sheriff, the statewide
10 interoperable communications coordinator; and

11 (36) In the social services division of the department of
12 human services, the business technology analyst.

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

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

17 SECTION 3. Section 128A-2, Hawaii Revised Statutes, is
18 amended by repealing the definition of "director".

19 [~~"Director" means the director of law enforcement.~~"]

20 SECTION 4. Section 353C-1, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§353C-1 Definitions.** Whenever used in this chapter,
2 unless the context otherwise requires:

3 "Department" means the department of [~~law enforcement.~~] the
4 state sheriff.

5 [~~"Director" means the director of law enforcement.~~]"

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

8 **"§353C-3 [~~Deputy directors;~~] Undersheriffs; assistant**
9 **sheriff; appointment[~~;~~] and designation.** (a) The [~~director~~]
10 state sheriff shall appoint, without regard to chapter 76, two
11 [~~deputy directors~~] undersheriffs to serve at the [~~director's~~]
12 state sheriff's pleasure. Unless otherwise assigned by the
13 [~~director,~~] state sheriff, one [~~deputy director~~] undersheriff
14 shall oversee the law enforcement programs of the department,
15 and one [~~deputy director~~] undersheriff shall oversee
16 administration of the department.

17 (b) The state sheriff shall designate a law enforcement
18 officer to be the assistant sheriff to the undersheriff
19 overseeing the law enforcement programs of the department."

20 SECTION 6. (a) Sections 23-12, 26-4, 26-14.6, 26-14.8,
21 26-52, 28-151, 78-52, 88-21, 128A-3, 128A-12, 128B-1, 134-81,



1 139-1, 139-7, 200-2, 205A-62, 291-31.5, 291E-6.5, 328-16, 329-1,
2 329-11, 329-18, 329-20, 329-23, 329-31, 329-32, 329-33, 329-34,
3 329-35, 329-36, 329-37, 329-51, 329-54, 329-55, 329-57, 329-58,
4 329-61, 329-63, 329-64, 329-66, 329-67, 329-68, 329-71, 329-72,
5 329-75, 334D-5, 350-1.1, 353C-4, 353C-5, 353C-6, 353C-13, 378-
6 2.5, 386-181, 651-1, 707-700, 801G-1, 844D-38, and 846-2.7,
7 Hawaii Revised Statutes, and Act 67, Session Laws of Hawaii
8 2023, are amended by substituting the phrase "department of the
9 state sheriff", or similar term, wherever the phrase "department
10 of law enforcement", or similar term, appears, as the context
11 requires.

12 (b) Sections 128A-3, 128A-4, 128A-6, 128A-13, 353C-4,
13 353C-5, 353C-8.5, and 353C-11, Hawaii Revised Statutes, are
14 amended by substituting the phrase "state sheriff", or similar
15 term, wherever the phrase "director", or similar term, appears,
16 as the context requires.

17 (c) Sections 26.14.8, 76-16, 84-18, 88-21, 128A-13,
18 128B-1, 134C-2, 139-1, 139-2, 200-27, 226-64, 291-31.5, 329-51,
19 329-59, 329-69, 346-382, 353C-2, 577E-3, 587A-4, 614-2, 651-1,
20 and 707-700, Hawaii Revised Statutes, are amended by
21 substituting the phrase "state sheriff", or similar term,



1 wherever the phrase "director of law enforcement", or similar
2 term, appears, as the context requires.

3 (d) Sections 26-14.8 and 128A-13, Hawaii Revised Statutes,
4 is amended by substituting the phrase "undersheriff", or similar
5 term, wherever the phrase "deputy director" or similar term,
6 appears, as the context requires.

7 (e) Sections 501-154, 603-29, 604-6.2, 607-4, 607-8,
8 633-8, 634-11, 634-12, 634-22, 634-29, 652-1.5, 652-2, 652-2.5,
9 652-2.6, 654-2, 666-11, and 666-21, Hawaii Revised Statutes, are
10 amended by substituting the phrase "department of the state
11 sheriff's", or similar term, wherever the phrase "department of
12 law enforcement's", or similar term, appears.

13 SECTION 7. All rights, powers, functions, and duties of
14 the department of law enforcement are transferred to the
15 department of the state sheriff.

16 All officers and employees whose functions are transferred
17 by this Act shall be transferred with their functions and shall
18 continue to perform their regular duties upon their transfer,
19 subject to the state personnel laws and this Act.

20 No officer or employee of the State having tenure shall
21 suffer any loss of salary, seniority, prior service credit,



1 vacation, sick leave, or other employee benefit or privilege as
2 a consequence of this Act, and such officer or employee may be
3 transferred or appointed to a civil service position without the
4 necessity of examination; provided that the officer or employee
5 possesses the minimum qualifications for the position to which
6 transferred or appointed; and provided that subsequent changes
7 in status may be made pursuant to applicable civil service and
8 compensation laws.

9 An officer or employee of the State who does not have
10 tenure and who may be transferred or appointed to a civil
11 service position as a consequence of this Act shall become a
12 civil service employee without the loss of salary, seniority,
13 prior service credit, vacation, sick leave, or other employee
14 benefits or privileges and without the necessity of examination;
15 provided that such officer or employee possesses the minimum
16 qualifications for the position to which transferred or
17 appointed.

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification



1 and shall be transferred to some other office or position for
2 which the officer or employee is eligible under the personnel
3 laws of the State as determined by the head of the department or
4 the governor.

5 SECTION 8. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 9. This Act shall take effect upon its approval.

8

INTRODUCED BY:

Karl Rhoads



S.B. NO. 2628

Report Title:

DLE; Department of the State Sheriff

Description:

Renames the Department of Law Enforcement to the "Department of the State Sheriff". Renames the Director of Law Enforcement to "State Sheriff" and deputy directors to "undersheriffs".

Establishes an assistant position to be designated by the State Sheriff.

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

