

JAN 24 2024

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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. The legislature finds that on a daily basis,  
2 the branches of state government take official actions that  
3 regularly affect Hawaii residents, providing ample opportunities  
4 for potential security risks to arise for government agencies.  
5 Law enforcement and security professionals have long understood  
6 that targeted violence towards government agencies and employees  
7 is often related to an individual's unhealthy reaction to life  
8 changes resulting from official action taken pursuant to a  
9 government agency's mission or a government employee's duties.

10           Public officials and employees increasingly face the risk  
11 of personal reprisal from individuals affected by decisions made  
12 in the exercise of their official duties. Nationally, court  
13 personnel have been exposed to an increasing number of personal  
14 threats, including a recent incident in Las Vegas, Nevada, where  
15 a party to a criminal matter physically attacked the presiding  
16 judge. According to the United States Marshals Service, threats  
17 and other inappropriate communications against federal judges



1 and other judiciary personnel increased from nine hundred  
2 twenty-six incidents in fiscal year 2015 to 4,449 in fiscal year  
3 2019. In Hawaii, threats and other inappropriate communications  
4 towards judges have increased tenfold and threats towards  
5 judiciary social workers providing probation oversight have  
6 increased ninefold over the last decade. Security checkpoints  
7 with metal detectors have been installed at various entrances  
8 into the state capitol building in response to growing security  
9 concerns from legislative members, staff, and visitors to the  
10 building.

11 In light of the escalating safety risks for public  
12 officials, and to establish appropriate priorities for the newly  
13 created department of law enforcement, the legislature finds  
14 that statutory amendments are necessary to specify the sheriff  
15 division's responsibilities for legislative and judicial  
16 security.

17 Accordingly, the purpose of this Act is to:

18 (1) Establish a specific statutory duty of the department  
19 of law enforcement and its sheriff division to ensure  
20 the safety and security of all judicial and  
21 legislative personnel and facilities by maintaining as



1           its core mission service as the law enforcement and  
2           protective security entity for the legislative and  
3           judicial branches of the State; and

4           (2) Require the sheriff division to pursue accreditation  
5           from the Commission on Accreditation for Law  
6           Enforcement Agencies, Inc., as recommended by the  
7           auditor in 2010 in auditor report no. 10-06, and to  
8           obtain and maintain that accreditation.

9           SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
10          amended by adding three new sections to be appropriately  
11          designated and to read as follows:

12           "§353C- Sheriff division; responsibilities. (a) In  
13          addition to any other function designated by the department of  
14          law enforcement, the sheriff division of the department shall  
15          have primary responsibility for:

16           (1) Protecting judicial and legislative personnel;  
17           (2) Protecting and securing judicial and legislative  
18           facilities; and

19           (3) Preventing, detecting, and investigating criminal  
20           acts, and enforcing traffic regulations, throughout



1           judicial and legislative buildings, parks, and  
2           thoroughfares.

3           (b) The sheriff division shall have concurrent  
4           jurisdiction with any other agency of the department of law  
5           enforcement to take enforcement action when a sheriff observes  
6           or is made aware of crimes of violence while on or off duty.

7           (c) The sheriff division shall be responsible for the  
8           physical, technical, and programmatic security of judicial and  
9           legislative buildings, facilities, personnel, and visitors, and  
10          the establishment of programs to protect key personnel,  
11          including:

- 12          (1) Physical and technical security programs;
- 13          (2) Physical security staffing;
- 14          (3) Threat-based protection of personnel; and
- 15          (4) A legislative and judicial threat and risk monitoring  
16          program, conducted in partnership with the Hawaii  
17          state fusion center, for gathering intelligence  
18          relating to threats, violence, and other risks, for  
19          the purpose of protecting the judiciary and the  
20          legislature; provided that the program shall include:  
21          (A) Threat identification, monitoring, and reporting;



- 1            (B) Threat assessment methods;
- 2            (C) Risk prioritization;
- 3            (D) Disaster planning or evacuation;
- 4            (E) Workplace violence planning, training, and  
5            response
- 6            (F) Active shooter or targeted violence planning,  
7            training, and response; and
- 8            (G) Collaboration with external law enforcement  
9            agencies during a mutual aid incident.

10            **§353C- Meetings; judicial and legislative security**

11 **requirements; authority.** (a) Within thirty days of the  
 12 effective date of Act , Session Laws of Hawaii 2024, and each  
 13 year thereafter, the director of law enforcement and a  
 14 representative of the sheriff division shall meet and confer  
 15 with the administrative director of the courts, the president of  
 16 the senate, and the speaker of the house of representatives, or  
 17 their respective designees. Each meeting shall focus on the  
 18 security requirements for the judiciary and the legislature,  
 19 including:

- 20            (1) The security of buildings housing the judiciary or the  
 21            legislature;



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1       (2) The personal security of justices, judges, and  
2           legislators, including the assessment of threats  
3           directed at those individuals; and

4       (3) The protection of all other judicial and legislative  
5           personnel.

6       (b) The department of law enforcement shall have the final  
7       authority regarding law enforcement and security requirements  
8       for both the judiciary and the legislature; provided that the  
9       department shall take into account the views of the judiciary  
10       and the legislature, as expressed at the meeting required by  
11       this section, regarding those security requirements when  
12       determining staffing levels, setting priorities for judicial and  
13       legislative security programs, and allocating appropriate law  
14       enforcement and security resources.

15       §353C- Sheriff division; accreditation required. (a)  
16       The sheriff division shall pursue, obtain, and maintain  
17       accreditation from the Commission on Accreditation for Law  
18       Enforcement Agencies, Inc.; provided that the division shall  
19       obtain its initial accreditation no later than two years after  
20       the effective date of Act \_\_\_\_\_, Session Laws of Hawaii 2024.



1        (b) Within one hundred twenty days after the effective  
2 date of Act        , Session Laws of Hawaii 2024, and each year  
3 thereafter, the division shall submit to the judiciary and the  
4 legislature a report that includes, to the extent applicable:

5        (1) The status of the division's accreditation, or efforts  
6 to obtain accreditation or reaccreditation;

7        (2) Any issues that may prevent the division from  
8 obtaining accreditation or reaccreditation, or  
9 maintaining accreditation;

10       (3) Any proposed legislation that may facilitate the  
11 division's ability to obtain accreditation or  
12 reaccreditation, or maintain accreditation; and

13       (4) Any other information relevant for the purposes of  
14 this section."

15       SECTION 3. Section 353C-2, Hawaii Revised Statutes, is  
16 amended to read as follows:

17       **"§353C-2 Director of law enforcement; powers and duties.**

18       The director of law enforcement shall administer the public  
19 safety programs of the department and shall be responsible for  
20 the formulation and implementation of state goals and objectives  
21 for state law enforcement programs [~~and~~]; homeland security,



1 including the deployment of adequate resources and coordination  
2 with county police departments to protect the health and safety  
3 of homestead communities on Hawaiian home lands[-]; and judicial  
4 and legislative protection and security services. In the  
5 administration of these programs, the director may:

- 6 (1) Preserve the public peace, prevent crime, detect and  
7 arrest offenders against the law, protect the rights  
8 of persons and property, and enforce and prevent  
9 violation of all laws and administrative rules of the  
10 State as the director deems to be necessary or  
11 desirable or upon request, to assist other state  
12 officers or agencies that have primary administrative  
13 responsibility over specific subject matters or  
14 programs;
- 15 (2) Train, equip, maintain, and supervise the force of law  
16 enforcement officers and other employees of the  
17 department;
- 18 (3) Serve process both in civil and criminal proceedings;
- 19 (4) Perform other duties as may be required by law;



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1 (5) Adopt, pursuant to chapter 91, rules that are  
2 necessary or desirable for the administration of state  
3 law enforcement programs; and

4 (6) Enter into contracts on behalf of the department and  
5 take all actions deemed necessary and appropriate for  
6 the proper and efficient administration of the  
7 department."

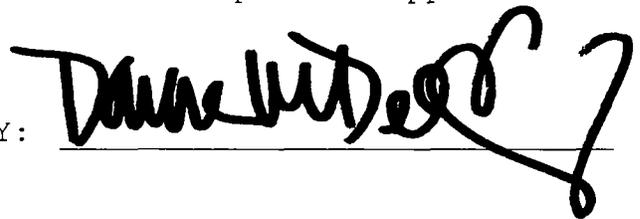
8 SECTION 4. Within ninety days of the effective date of  
9 this Act, the director of law enforcement shall submit to the  
10 judiciary and the legislature a twelve-month plan regarding the  
11 transition of responsibilities and implementation of sheriff  
12 division programs as required by this Act.

13 SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

16

INTRODUCED BY:



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**Report Title:**

DLE; Sheriff Division; Judicial and Legislative Security

**Description:**

Specifies the responsibilities of the Department of Law Enforcement's Sheriff Division regarding judicial and legislative security. Requires the Sheriff Division to pursue, obtain, and maintain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc.

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

