
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 toward judges have increased tenfold and threats toward
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 judicial and legislative
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 judicial and
3 legislative branches of the State; and

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

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, the
14 sheriff division of the department shall have primary
15 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 to take
5 enforcement action when a sheriff observes or is made aware of
6 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 judicial and legislative 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
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 this Act, and each year thereafter, the
13 director and a representative of the sheriff division shall meet
14 and confer with the administrative director of the courts,
15 president of the senate, and speaker of the house of
16 representatives, or their respective designees. Each meeting
17 shall focus on the security requirements for the judiciary and
18 legislature, including:

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



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 shall have the final authority
7 regarding law enforcement and security requirements for both the
8 judiciary and legislature; provided that the department shall
9 take into account the views of the judiciary and legislature, as
10 expressed at the meeting required by this section, regarding
11 those law enforcement and security requirements when determining
12 staffing levels, setting priorities for judicial and legislative
13 security programs, and allocating appropriate law enforcement
14 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 sheriff division
19 shall obtain its initial accreditation no later than two years
20 after the effective date of this Act.



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

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

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

10 (3) Any proposed legislation that may facilitate the
11 sheriff 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;



- 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 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 on July 1, 3000.



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. Effective 7/1/3000. (HD1)

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