

JAN 24 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. 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
18 and training with knowledge and skills to protect and serve the

S.B. NO. 3146

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

9 The purpose of this bill is to:

- 10 (1) Expand the requirements of section 353C-9 to require
11 the department of law enforcement to pursue and obtain
12 accreditation from the Commission on Accreditation for
13 Law Enforcement Agencies, Inc. for all divisions and
14 sections within the department of law enforcement and
15 not just the sheriff's division; and
- 16 (2) Establish CALEA coordinator positions within the
17 department of law enforcement to ensure the department
18 meets and maintains the standards and accreditation of
19 the Commission on Accreditation for Law Enforcement
20 Agencies, Inc. and that law enforcement officers of
21 the department of law enforcement meet the standards

S.B. NO. 3146

1 set by the law enforcement standards board established
2 in chapter 139, Hawaii Revised Statutes.

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
21 normal civil service recruitment procedures. Any such
22 contract may be for any period not exceeding one year;

S.B. NO. 3146

- 1 (3) Positions that must be filled without delay to comply
2 with a court order or decree if the director
3 determines that recruitment through normal recruitment
4 civil service procedures would result in delay or
5 noncompliance, such as the Felix-Cayetano consent
6 decree;
- 7 (4) Positions filled by the legislature or by either house
8 or any committee thereof;
- 9 (5) Employees in the office of the governor and office of
10 the lieutenant governor, and household employees at
11 Washington Place;
- 12 (6) Positions filled by popular vote;
- 13 (7) Department heads, officers, and members of any board,
14 commission, or other state agency whose appointments
15 are made by the governor or are required by law to be
16 confirmed by the senate;
- 17 (8) Judges, referees, receivers, masters, jurors, notaries
18 public, land court examiners, court commissioners, and
19 attorneys appointed by a state court for a special
20 temporary service;
- 21 (9) One bailiff for the chief justice of the supreme court
22 who shall have the powers and duties of a court

S.B. NO. 3146

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

S.B. NO. 3146

1 of the courts, the deputy administrative director of
2 the courts, each department head, each deputy or first
3 assistant, and each additional deputy, or assistant
4 deputy, or assistant defined in paragraph (16);

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

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

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

S.B. NO. 3146

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

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

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

20 (B) Positions filled with students in accordance with
21 guidelines for established state employment
22 programs; and

S.B. NO. 3146

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

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

13 (15) Positions filled by persons employed on a fee,
14 contract, or piecework basis, who may lawfully perform
15 their duties concurrently with their private business
16 or profession or other private employment and whose
17 duties require only a portion of their time, if it is
18 impracticable to ascertain or anticipate the portion
19 of time to be devoted to the service of the State;

20 (16) Positions of first deputies or first assistants of
21 each department head appointed under or in the manner
22 provided in section 6, article V, of the Hawaii State

S.B. NO. 3146

1 Constitution; three additional deputies or assistants
2 either in charge of the highways, harbors, and
3 airports divisions or other functions within the
4 department of transportation as may be assigned by the
5 director of transportation, with the approval of the
6 governor; one additional deputy in the department of
7 human services either in charge of welfare or other
8 functions within the department as may be assigned by
9 the director of human services; four additional
10 deputies in the department of health, each in charge
11 of one of the following: behavioral health,
12 environmental health, hospitals, and health resources
13 administration, including other functions within the
14 department as may be assigned by the director of
15 health, with the approval of the governor; two
16 additional deputies in charge of the law enforcement
17 programs, administration, or other functions within
18 the department of law enforcement as may be assigned
19 by the director of law enforcement, with the approval
20 of the governor; three additional deputies each in
21 charge of the correctional institutions,
22 rehabilitation services and programs, and

S.B. NO. 3146

1 administration or other functions within the
2 department of corrections and rehabilitation as may be
3 assigned by the director of corrections and
4 rehabilitation, with the approval of the governor; an
5 administrative assistant to the state librarian; and
6 an administrative assistant to the superintendent of
7 education;

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

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

14 (B) All of the positions defined by paragraph (9)
15 shall be included in the position classification
16 plan;

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

21 (19) Household employees at the official residence of the
22 president of the University of Hawaii;

S.B. NO. 3146

- 1 (20) Employees in the department of education engaged in
2 the supervision of students during meal periods in the
3 distribution, collection, and counting of meal
4 tickets, and in the cleaning of classrooms after
5 school hours on a less than half-time basis;
- 6 (21) Employees hired under the tenant hire program of the
7 Hawaii public housing authority; provided that not
8 more than twenty-six per cent of the authority's
9 workforce in any housing project maintained or
10 operated by the authority shall be hired under the
11 tenant hire program;
- 12 (22) Positions of the federally funded expanded food and
13 nutrition program of the University of Hawaii that
14 require the hiring of nutrition program assistants who
15 live in the areas they serve;
- 16 (23) Positions filled by persons with severe disabilities
17 who are certified by the state vocational
18 rehabilitation office that they are able to perform
19 safely the duties of the positions;
- 20 (24) The sheriff;
- 21 (25) A gender and other fairness coordinator hired by the
22 judiciary;

S.B. NO. 3146

- 1 (26) Positions in the Hawaii National Guard youth and adult
2 education programs;
- 3 (27) In the state energy office in the department of
4 business, economic development, and tourism, all
5 energy program managers, energy program specialists,
6 energy program assistants, and energy analysts;
- 7 (28) Administrative appeals hearing officers in the
8 department of human services;
- 9 (29) In the Med-QUEST division of the department of human
10 services, the division administrator, finance officer,
11 health care services branch administrator, medical
12 director, and clinical standards administrator;
- 13 (30) In the director's office of the department of human
14 services, the enterprise officer, information security
15 and privacy compliance officer, security and privacy
16 compliance engineer, security and privacy compliance
17 analyst, information technology implementation
18 manager, assistant information technology
19 implementation manager, resource manager,
20 community/project development director, policy
21 director, special assistant to the director, and

S.B. NO. 3146

- 1 limited English proficiency project
2 manager/coordinator;
- 3 (31) The Alzheimer's disease and related dementia services
4 coordinator in the executive office on aging;
- 5 (32) In the Hawaii emergency management agency, the
6 executive officer, public information officer, civil
7 defense administrative officer, branch chiefs, and
8 emergency operations center state warning point
9 personnel; provided that for state warning point
10 personnel, the director shall determine that
11 recruitment through normal civil service recruitment
12 procedures would result in delay or noncompliance;
- 13 (33) The executive director and seven full-time
14 administrative positions of the school facilities
15 authority;
- 16 (34) Positions in the Mauna Kea stewardship and oversight
17 authority; and
- 18 (35) In the office of homeland security of the department
19 of law enforcement, the statewide interoperable
20 communications coordinator; ~~and~~

S.B. NO. 3146

1 -] (36) [+] In the social services division of the department of
2 human services, the business technology analyst [-];
3 and
4 (37) In the department of law enforcement, five CALEA
5 coordinator positions.

6 The director shall determine the applicability of this
7 section to specific positions.

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

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

12 "[+] §353C-9 [+] **Department accreditation required.** The
13 department shall pursue and obtain accreditation for [~~the~~
14 ~~sheriff division~~] all divisions and sections within the
15 department from the Commission on Accreditation for Law
16 Enforcement Agencies, Inc."

17 SECTION 4. Five full-time equivalent (5.0 FTE) CALEA
18 coordinator positions are established within the department of
19 law enforcement. These positions shall be appointed and
20 terminated by the director without regard to chapter 76. The
21 director may fix the compensation of these positions.

S.B. NO. 3146

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 upon its approval.

4

5

INTRODUCED BY: 

6

BY REQUEST

S.B. NO. 3140

Report Title:

Department of Law Enforcement; Positions; Accreditation; Exemption

Description:

Expands the requirements of section 353C-9, HRS, to require the Department of Law Enforcement to pursue and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. for all divisions and sections within the Department of Law Enforcement. Establishes five CALEA coordinator positions, exempt from civil service, within the Department of Law Enforcement to ensure the department meets and maintains the standards set by the Law Enforcement Standards Board and accreditation of 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.

SB. NO. 3146

JUSTIFICATION SHEET

DEPARTMENT: Law Enforcement

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

PURPOSE: To expand the requirements of section 353C-9, Hawaii Revised Statutes (HRS), to require the Department of Law Enforcement to pursue and obtain accreditation from the Commission on Accreditation for Law Enforcement Agencies, Inc. for all divisions and sections within the department.

To establish five CALEA coordinator positions within the Department of Law Enforcement to ensure the department meets and maintains the standards set by the Law Enforcement Standards Board and accreditation of the Commission on Accreditation for Law Enforcement Agencies, Inc.

MEANS: Amend sections 76-16(b) and 353C-9, HRS. Establish the additional positions within the Department of Law Enforcement.

JUSTIFICATION: The Department of Law Enforcement is required to comply with section 353C-9, which requires the department to "pursue and obtain accreditation for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc."

Impact on the public: Impact on the public is a positive impact with improved standards for law enforcement.

Impact on the department and other agencies: Improve professionalism and responsibility to the public.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: LAW 900.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.