



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 1039, RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, February 9, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Craig Y. Iha or Trista N. Speer, Deputy Attorneys General

Chair Tarnas and Members of the Committee:

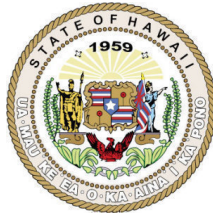
The Department of the Attorney General strongly supports this bill.

Among other things, this bill amends Act 278, Session Laws of Hawaii 2022 (Act 278), to modify the transfer of the personnel and functions of the Department of the Attorney General to the Department of Law Enforcement (DLE). The bill clarifies that Act 278 does not abrogate the Attorney General's status as the chief legal and law enforcement officer of the State. The bill also clarifies that the Statewide Law Enforcement Training Complex will be located at the First Responder Technology Campus rather than the Mililani Technology Park. The bill further transfers the responsibilities for certain private security contracts under section 26-14.6, Hawaii Revised Statutes, from the DLE to the Department of Defense, the Department of Health, and the Department of Human Services for their respective facilities.

Act 278 is a complex measure that created a new Department of Law Enforcement and transferred multiple functions and responsibilities between five different state departments. Act 278 requires certain law enforcement functions of the Department of the Attorney General and the Department of Transportation, as well as the functions of the Office of Homeland Security, to be transferred to DLE on January 1, 2024. The bill's amendments, referenced above, will ensure that the necessary personnel and other transfers will occur so that DLE will become fully operational on January 1, 2024.

Thank you for the opportunity to testify in support of this bill.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

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Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON HOUSE BILL 1039
RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022.
Before the House Committee on Judiciary & Hawaiian Affairs
Thursday, February 9, 2023; 2:00 p.m.
State Capitol Conference Room 325, Via Videoconference
Testifiers: Jordan Lowe or Michael Vincent

Chair Tarnas, Vice Chair Takayama, and members of the Committee:

The Department of Law Enforcement (DLE) strongly supports House Bill 1039.

This administration bill amends section 21 of Act 278, Session Laws of Hawaii 2022, to modify the transfer of the personnel and functions of the Department of the Attorney General (AG) to the DLE; clarify that Act 278 does not amend or abrogate the Attorney General's status as the chief legal and law enforcement officer of the State; clarify that the Statewide Law enforcement Training Complex will be located at the First Responder Technology Campus rather than the Mililani Technology Park; and transfer the responsibility and management of certain private security contracts under section 26-14.6, Hawaii Revised Statutes, from the DLE to the Department of Defense, Department of Health, and the Department of Human Services for their respective facilities.

The bill addresses the specific functions and personnel transferred to the DLE by specifying the number of investigators to be transferred while clarifying that Act 278 was not intended to amend or abrogate the status and authority of the Attorney General as the chief legal and law enforcement officer of the State.

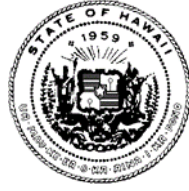
Act 278 incorrectly identified the Mililani Technology Park as the location of the Statewide Law Enforcement Training Center and Law Enforcement Complex. The bill

clarifies that the proper location of the Statewide Law Enforcement Training Complex is the First Responder Technology Campus rather than the Mililani Technology Park.

Act 278 gave DLE the responsibility for after-hours security contracts for the Departments of Defense, Health, and Human Services. These departments have traditionally managed these contracts and are in a better position to continue this practice. The proposed amendment returning the private security contracts to these departments managing the private security contracts for their respective facilities will continue to increase efficiencies by ensuring the departments retain greater control of these contracts, based on their direct access to on-the-ground information.

Thank you for the opportunity to testify in support of this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



CATHY BETTS
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELAWE KANAKA
Office of the Director
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 8, 2023

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1039 – RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022**

Hearing: Thursday, February 9, 2023, 2:00 p.m.
Conference Room 325, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration measure in relevant part and defers to the Department of Law Enforcement and other impacted Departments.

PURPOSE: The bill's purpose is to modify the transfer of the personnel and functions of the Department of the Attorney General to the Department of Law Enforcement (DLE). Clarifies that Act 278 does not amend or abrogate the Attorney General's status as the chief legal and law enforcement officer of the State and the location of the Statewide Law Enforcement Training Complex. Transfer the responsibility and management of certain private security contracts under section 26-14.6, Hawaii Revised Statutes, from the DLE to the Department of Defense, Department of Health, and the Department of Human Services (DHS) for their respective facilities. Effective upon its approval.

DHS will continue managing its own security contracts as it has been procuring and administering these contracts for its 28 program offices statewide. In addition, allowing DHS to retain control of the contracts ensures that the scope of coverage and services are based on the security needs of each program office location.

Thank you for the opportunity to provide comments on this measure.

JOSH GREEN
GOVERNOR
KE KIA'ĀINA



KENNETH S. HARA
MAJOR GENERAL
ADJUTANT GENERAL
KA 'AKUKANA KENELALA

STEPHEN F. LOGAN
BRIGADIER GENERAL
DEPUTY ADJUTANT GENERAL
KA HOPE 'AKUKANA KENELALA

STATE OF HAWAII
DEPARTMENT OF DEFENSE
KA 'OIHANA PILI KAUA
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STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII OFFICE OF HOMELAND SECURITY

TESTIMONY ON HOUSE BILL 1039
RELATING TO RELATING TO ACT 278, SESSION LAWS OF HAWAII 2022
BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

BY

FRANK J. PACE
ADMINISTRATOR
HAWAII OFFICE OF HOMELAND SECURITY

FEBRUARY 09, 2023

Aloha Chair Tarnas, Vice-Chair Takayama, and members of the committee:

I am Frank Pace, Administrator for the Hawai'i Office of Homeland Security.

The Hawai'i Office of Homeland Security (OHS) provides written testimony in **SUPPORT** of HB1039.

The clarifying language of this amendment will work to further the successful development of the Department of Law Enforcement.

Specifically, by addressing the transfer of personnel and functions from the Department of the Attorney General to the Department of Law Enforcement, maintaining the Attorney General's status as the Chief Legal and Law enforcement Officer of the State, and recognizing the location of the future Statewide Law enforcement Training Complex at the First Responder Technology Campus. Additionally, by clarifying the transfer of private security contract management to the Department of Defense, the Department of Health, and the Department of Human Services.

Thank you for the opportunity to provide testimony in **SUPPORT** of HB1039.

Frank Pace, Administrator: frank.j.pace@hawaii.gov; 808-369-3570