

JAN 17 2025

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# A BILL FOR AN ACT

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RELATING TO ALLOWANCE ON SERVICE RETIREMENTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Section 88-21, Hawaii Revised Statutes, is  
2       amended by adding six new definitions to be appropriately  
3       inserted and to read as follows:

4       "Department of law enforcement investigator" means a  
5       person with police powers regularly employed by the department  
6       of law enforcement who holds the personnel class specification  
7       of investigator, including investigators of the department of  
8       the attorney general who were transferred to the department of  
9       law enforcement as provided in Act 278, Session Laws of Hawaii  
10      2022.

11      "Deputy director for the department of law enforcement"  
12      means a person appointed by the director of law enforcement to  
13      regularly serve as a deputy director of the department of law  
14      enforcement.

15      "Director of law enforcement" means the person appointed by  
16      the governor to regularly serve as director of the department of  
17      law enforcement.



## S.B. NO. 730

1       "Law enforcement investigations staff investigators" means  
2 those employees in the investigations staff office of the  
3 department of law enforcement who have been conferred police  
4 powers by the director of law enforcement in accordance with  
5 section 353C-4 and are in the positions of investigator I to  
6 VII.

7       "Sheriff" means a person who serves as the administrator of  
8 the sheriff division.

9       "Sheriff division investigator" means a person regularly  
10 employed by the department of law enforcement with police powers  
11 who holds the personnel class specification of investigator."

12       SECTION 2. Section 88-47, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14       "(a) There shall be four classes of members in the system  
15 to be known as class A, class B, class C, and class H, defined  
16 as follows:

17       (1) Class A shall consist of:

18               (A) Judges, elected officials, and legislative  
19               officers;

20               (B) Investigators of the department of the attorney  
21               general, narcotics enforcement investigators,



## S.B. NO. 730

1 water safety officers not making the election  
2 under section 88-271, and law enforcement  
3 investigations staff investigators;

4 (C) Those members in service [~~prior to~~] before  
5 July 1, 1984, including those who are on approved  
6 leave of absence, not making the election to  
7 become a class C member as provided in part VII  
8 or to become a class H member as provided in part  
9 VIII;

10 (D) The following members in service [~~prior to~~]  
11 before July 1, 2006, including those who are on  
12 approved leave of absence, not making the  
13 election to become a class H member as provided  
14 in part VIII:

15 (i) Members whose salaries are set forth in  
16 sections 26-52 and 26-53 and their county  
17 counterparts, managing directors or an  
18 administrative assistant to the mayor, other  
19 county department heads, and agency heads  
20 appointed and subject to removal by the  
21 mayor;



# S.B. NO. 730

- (ii) First deputies appointed by the county attorney and prosecuting attorney;
- (iii) The county clerk and deputy county clerk of each county;
- (iv) The directors of the offices of council services of the county of Maui and the city and county of Honolulu;
- (v) The administrative director of the courts;
- (vi) The deputy administrative director of the courts;
- (vii) The executive officer of the labor and industrial relations appeals board; and
- (viii) The executive officer of the Hawaii labor relations board;
- (E) All former class A retirants who return to employment after June 30, 1984, requiring the retirant's active membership; and
- (F) All former class B retirants who return to employment requiring the retirant's active membership, except for:



# S.B. NO. 730

(i) Former retirants who return in the positions of police officer or firefighter;

(ii) Former retirants who were members on July 1, 1957, who elected not to be covered by the Social Security Act; and

(iii) Former retirants who were in positions to which coverage under Title II of the Social Security Act was not extended who entered membership after June 30, 1957, but before January 1, 2004;

(G) The following members of the department of law enforcement, effective July 1, 2025:

(i) The director of law enforcement, provided that the member shall have already been employed as a class A member before appointment as the director of law enforcement;

(ii) The deputy directors of the department of law enforcement, provided that the members shall have already been employed as class A



members before appointment as deputy

directors of law enforcement;

(iii) Department of law enforcement investigators;

(iv) The sheriff, provided that the member shall

have already been employed as a class A

member before appointment as sheriff; and

(v) Sheriff division investigators;

(2) Class B shall consist of:

(A) Police officers and firefighters, including

former retirants who return to service in such

capacity;

(B) All employees, including former retirants, who

were members on July 1, 1957, who elected not to

be covered by the Social Security Act; and

(C) All employees, including former retirants, in

positions to which coverage under Title II of the

Social Security Act is not extended, who enter

membership after June 30, 1957, but before

January 1, 2004, not making the election to

become a class H member as provided in part VIII;



# S.B. NO. 730

(3) Except for members described in paragraphs (1) and (2), class C shall consist of all employees, not making the election to become a class H member as provided in part VIII, who:

(A) First enter service after June 30, 1984, but before July 1, 2006;

(B) Reenter service after June 30, 1984, but before July 1, 2006, without vested benefit status as provided in section 88-96(b);

(C) Make the election to become a class C member as provided in part VII; or

(D) Are former class C retirants who return to service requiring the retirant's active membership; and

(4) Except for members described in paragraphs (1) and (2), class H shall consist of all employees who:

(A) First enter service after June 30, 2006;

(B) Reenter service after June 30, 2006, without vested benefit status as provided in section 88-96(b);



(C) Make the election to become a class H member as provided in part VIII; or

(D) Are former class H retirants who return to service requiring the retirant's active membership."

SECTION 3. Section 88-74, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read as follows:

"(b) If a member, who became a member before July 1, 2012, has attained age fifty-five, the member's maximum retirement allowance shall be two per cent of the member's average final compensation multiplied by the total number of years of the member's credited service as a class A and class B member, excluding any credited service as a judge, elective officer, or legislative officer, plus a retirement allowance of one and one-fourth per cent of the member's average final compensation multiplied by the total number of years of prior credited service as a class C member, plus a retirement allowance of two per cent of the member's average final compensation multiplied by the total number of years of prior credited service as a class H member; provided that:





## S.B. NO. 730

- 1           (1) After June 30, 1968, if the member has at least ten  
2           years of credited service of which the last five or  
3           more years [~~prior to~~] before retirement is credited  
4           service as a firefighter, police officer, or an  
5           investigator of the department of the prosecuting  
6           attorney;
- 7           (2) After June 30, 1977, if the member has at least ten  
8           years of credited service of which the last five or  
9           more years [~~prior to~~] before retirement is credited  
10          service as a corrections officer;
- 11          (3) After June 16, 1981, if the member has at least ten  
12          years of credited service of which the last five or  
13          more years [~~prior to~~] before retirement is credited  
14          service as an investigator of the department of the  
15          attorney general;
- 16          (4) After June 30, 1989, if the member has at least ten  
17          years of credited service of which the last five or  
18          more years [~~prior to~~] before retirement is credited  
19          service as a narcotics enforcement investigator;
- 20          (5) After December 31, 1993, if the member has at least  
21          ten years of credited service of which the last five



## S.B. NO. 730

1 or more years [~~prior to~~] before retirement is credited  
2 service as a water safety officer;

3 (6) After June 30, 1994, if the member has at least ten  
4 years of credited service, of which the last five or  
5 more years [~~prior to~~] before retirement are credited  
6 service as a law enforcement investigations staff  
7 investigator;

8 (7) After July 1, 2023, if the member has at least ten  
9 years of credited service, of which the last five or  
10 more years before retirement are credited service as  
11 the director of law enforcement, deputy director of  
12 the department of law enforcement, the sheriff,  
13 department of law enforcement investigator, or sheriff  
14 division investigator; provided that the dates listed  
15 in subsection (b)(1), (2), (3), (4), (5), and (6)  
16 shall continue to apply to the retirement for those  
17 members already employed as a firefighter, police  
18 officer, corrections officer, investigator of the  
19 department of the prosecuting attorney, investigator  
20 of the department of the attorney general, narcotics  
21 enforcement investigator, water safety officer, and



1           public safety investigations staff investigator before  
2           the enactment of Act 278, Session Laws of Hawaii 2022;

3       ~~[(+7)]~~ (8)   After June 30, 2002, if the member:

4           (A)   Has at least ten years of credited service as a  
5                firefighter;

6           (B)   Is deemed permanently medically disqualified due  
7                to a service related disability to be a  
8                firefighter by the employer's physician; and

9           (C)   Continues employment in a class A or B position  
10               other than a firefighter; and

11       ~~[(+8)]~~ (9)   After June 30, 2004, if the member:

12           (A)   Has at least ten years of credited service as a  
13                police officer;

14           (B)   Is deemed permanently medically disqualified due  
15                to a service related disability to be a police  
16                officer by the employer's physician; and

17           (C)   Continues employment in a class A or B position  
18               other than a police officer;

19   then for each year of service as a firefighter, police officer,  
20   corrections officer, investigator of the department of the  
21   prosecuting attorney, investigator of the department of the



1 attorney general, narcotics enforcement investigator, water  
2 safety officer, ~~or~~ law enforcement investigations staff  
3 investigator, director of law enforcement, deputy director of  
4 the department of law enforcement, sheriff, department of law  
5 enforcement investigator, or sheriff division investigator, the  
6 retirement allowance shall be two and one-half per cent of the  
7 member's average final compensation. The maximum retirement  
8 allowance for those members shall not exceed eighty per cent of  
9 the member's average final compensation. If the member has not  
10 attained age fifty-five, the member's retirement allowance shall  
11 be computed as though the member had attained age fifty-five,  
12 reduced for age as provided in subsection (e)."

13 2. By amending subsections (e) and (f) to read as follows:

14 "(e) Except as provided in subsections (b), (c), and (d),  
15 if a member, who became a member before July 1, 2012, has not  
16 attained age fifty-five at the date of retirement, the member's  
17 retirement allowance shall be reduced, for each month the  
18 member's age at the date of retirement is below age fifty-five,  
19 as follows:

20 (1) 0.4166 per cent for each month below age fifty-five  
21 and above age forty-nine and eleven months; plus



(2) 0.3333 per cent for each month below age fifty and above age forty-four and eleven months; plus

(3) 0.2500 per cent for each month below age forty-five and above age thirty-nine and eleven months; plus

(4) 0.1666 per cent for each month below age forty;

provided that no reduction shall be made if the member has at least twenty-five years of credited service as a firefighter, police officer, corrections officer, investigator of the department of the prosecuting attorney, investigator of the department of the attorney general, narcotics enforcement investigator, law enforcement investigations staff investigator, director of law enforcement, deputy director of the department of law enforcement, sheriff, department of law enforcement investigator, sheriff division investigator, sewer worker, or water safety officer, of which the last five or more years prior to retirement is credited service in these capacities.

(f) If a member, who becomes a member after June 30, 2012, has attained age sixty, the member's maximum retirement allowance shall be one and three-fourths per cent of the member's average final compensation multiplied by the total number of years of the member's credited service as a class A



## S.B. NO. 730

1 and class B member, excluding any credited service as a judge,  
2 elective officer, or legislative officer, plus a retirement  
3 allowance of one and one-fourth per cent of the member's average  
4 final compensation multiplied by the total number of years of  
5 prior credited service as a class C member, plus a retirement  
6 allowance of one and three-fourths per cent of the member's  
7 average final compensation multiplied by the total number of  
8 years of prior credited service as a class H member; provided  
9 that:

10 (1) If the member has at least ten years of credited  
11 service of which the last five or more years [~~prior~~  
12 ~~to~~] before retirement is credited service as a  
13 firefighter, police officer, or an investigator of the  
14 department of the prosecuting attorney;

15 (2) If the member has at least ten years of credited  
16 service of which the last five or more years [~~prior~~  
17 ~~to~~] before retirement is credited service as a  
18 corrections officer;

19 (3) If the member has at least ten years of credited  
20 service of which the last five or more years [~~prior~~  
21 ~~to~~] before retirement is credited service as an



investigator of the department of the attorney  
general;

(4) If the member has at least ten years of credited  
service of which the last five or more years [~~prior~~  
~~to~~] before retirement is credited service as a  
narcotics enforcement investigator;

(5) If the member has at least ten years of credited  
service, of which the last five or more years [~~prior~~  
~~to~~] before retirement is credited service as a law  
enforcement investigations staff investigator;

(6) If the member has at least ten years of credited  
service, of which the last five or more years before  
retirement is credited service as a director of law  
enforcement, deputy director of the department of law  
enforcement, sheriff, department of law enforcement  
investigator, or sheriff division investigator;

[+6+] (7) If the member:

(A) Has at least ten years of credited service as a  
firefighter;



1 (B) Is deemed permanently medically disqualified due  
2 to a service related disability to be a  
3 firefighter by the employer's physician; and  
4 (C) Continues employment in a class A or class B  
5 position other than a firefighter; and  
6 ~~[(7)]~~ (8) If the member:  
7 (A) Has at least ten years of credited service as a  
8 police officer;  
9 (B) Is deemed permanently medically disqualified due  
10 to a service related disability to be a police  
11 officer by the employer's physician; and  
12 (C) Continues employment in a class A or class B  
13 position other than a police officer,  
14 then for each year of service as a firefighter, police officer,  
15 corrections officer, investigator of the department of the  
16 prosecuting attorney, investigator of the department of the  
17 attorney general, narcotics enforcement investigator, ~~law~~ law  
18 enforcement investigations staff investigator, director of law  
19 enforcement, deputy director of the department of law  
20 enforcement, sheriff, department of law enforcement  
21 investigator, or sheriff division investigator, the retirement





1 allowance shall be two and one-fourth per cent of the member's  
2 average final compensation. The maximum retirement allowance  
3 for those members shall not exceed eighty per cent of the  
4 member's average final compensation. If the member has not  
5 attained age sixty, the member's retirement allowance shall be  
6 computed as though the member had attained age sixty, reduced  
7 for age as provided in subsection (i)."

8 3. By amending subsection (i) to read as follows:

9 "(i) Except as provided in subsections (f), (g), and (h),  
10 if a member, who becomes a member after June 30, 2012, has not  
11 attained age sixty at the date of retirement, the member's  
12 retirement allowance shall be reduced, for each month the  
13 member's age at the date of retirement is below age sixty, as  
14 follows:

15 (1) 0.4166 per cent for each month below age sixty and

16 above age fifty-four and eleven months; plus

17 (2) 0.3333 per cent for each month below age fifty-five

18 and above age forty-nine and eleven months; plus

19 (3) 0.2500 per cent for each month below age fifty and

20 above age forty-four and eleven months; plus

21 (4) 0.1666 per cent for each month below age forty-five;



## S.B. NO. 730

1 provided that no reduction shall be made if the member has  
2 attained the age of fifty-five and has at least twenty-five  
3 years of credited service as a firefighter, police officer,  
4 corrections officer, investigator of the department of the  
5 prosecuting attorney, investigator of the department of the  
6 attorney general, narcotics enforcement investigator, law  
7 enforcement investigations staff investigator, director of law  
8 enforcement, deputy director of the department of law  
9 enforcement, sheriff, department of law enforcement  
10 investigator, sheriff division investigator, sewer worker, water  
11 safety officer, or emergency medical technician, of which the  
12 last five or more years prior to retirement is credited service  
13 in these capacities."

14 SECTION 4. Statutory material to be repealed is bracketed  
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.

17  
INTRODUCED BY:

Lyn DeLoe BK



# S.B. NO. 730

**Report Title:**

DLE; Retirement for Public Officers and Employees; Allowances;  
Pension and Retirement Systems

**Description:**

Adds definitions for certain Department of Law Enforcement employees. Establishes guidance for the computation of retirement benefits for the Director of Law Enforcement, Deputy Director of the Department of Law Enforcement, Sheriff Division Investigator, Sheriff, and Department of Law Enforcement Investigator.

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