

JAN 23 2026

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# A BILL FOR AN ACT

RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD.

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

1       SECTION 1. The legislature finds that section 139-2,  
2 Hawaii Revised Statutes, established a law enforcement standards  
3 board to certify law enforcement officers, including county  
4 police officers and law enforcement officers of the departments  
5 of law enforcement, land and natural resources, taxation, and  
6 the attorney general.

7       The law enforcement standards board is responsible for  
8 establishing minimum standards for employment as a law  
9 enforcement officer and certifying that a person is qualified to  
10 serve as a law enforcement officer. The board is also  
11 responsible for establishing certain training requirements for  
12 law enforcement officers, including minimum criminal justice  
13 curriculum requirements for basic, specialized, and in-service  
14 courses and programs. The board is required to consult and  
15 cooperate with the counties, state agencies, other governmental  
16 agencies; universities and colleges; and other institutions  
17 concerning the development of law enforcement officer training



1 schools and programs. The board is tasked with regulating and  
2 enforcing these certification requirements.

3       The legislature recognizes that these are important and  
4 substantial duties that require careful evaluation to ensure  
5 that existing legal obligations are not compromised. For  
6 example, before imposing new standards impacting the employment  
7 of law enforcement officers, the board must consider collective  
8 bargaining and other employment requirements. At a minimum, the  
9 board must evaluate how probationary periods; training  
10 requirements; required training hours; the availability of  
11 training facilities; and the issuance, suspension, and  
12 revocation of certification, will impact obligations already  
13 established by law.

14       The legislature finds that this evaluation should include  
15 consideration of the study conducted by the legislative  
16 reference bureau pursuant to Act 124, Session Laws of Hawaii  
17 2018, and any additional study necessary to determine the impact  
18 of uniform standards, certification, and training for law  
19 enforcement officers.

20       The law enforcement standards board has determined that it  
21 will need significantly more time and resources to accomplish



1 its mission. Currently, the board has only one full-time  
2 employee, a board administrator who was hired in October 2024,  
3 to carry out its responsibilities. The legislature recognizes  
4 that it is unreasonable to expect the board to accomplish its  
5 mandates and responsibilities with a single employee.

6 The legislature finds that three additional employee  
7 positions have been created and approved by the board. Given  
8 the specialized nature of the board's work, security and  
9 confidentiality requirements, and the need to attract  
10 competitive candidates, the legislature finds that these new  
11 positions, including an administrative manager, a training and  
12 curriculum coordinator, and a lead investigative agent, should  
13 be excluded from the State's civil service law and made exempt  
14 from collective bargaining.

15 Accordingly, the purpose of this Act is to exempt the newly  
16 created positions of the law enforcement standards board from  
17 the civil service law and collective bargaining.

18 SECTION 2. Section 76-16, Hawaii Revised Statutes, is  
19 amended by amending subsection (b) to read as follows:

20 "(b) The civil service to which this chapter applies shall  
21 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the  
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii  
4 National Guard and positions in the Hawaii National  
5 Guard that are required by state or federal laws or  
6 regulations or orders of the National Guard to be  
7 filled from those commissioned or enlisted personnel;
- 8 (2) Positions filled by persons employed by contract where  
9 the director of human resources development has  
10 certified that the service is special or unique or is  
11 essential to the public interest and that, because of  
12 circumstances surrounding its fulfillment, personnel  
13 to perform the service cannot be obtained through  
14 normal civil service recruitment procedures. Any  
15 contract may be for any period not exceeding one year;
- 16 (3) Positions that must be filled without delay to comply  
17 with a court order or decree if the director  
18 determines that recruitment through normal recruitment  
19 civil service procedures would result in delay or  
20 noncompliance, such as the Felix-Cayetano consent  
21 decree;



- 1           (4) Positions filled by the legislature or by either house  
2                   or any committee thereof;
- 3           (5) Employees in the office of the governor and office of  
4                   the lieutenant governor, and household employees at  
5                   Washington Place;
- 6           (6) Positions filled by popular vote;
- 7           (7) Department heads, officers, and members of any board,  
8                   commission, or other state agency whose appointments  
9                   are made by the governor or are required by law to be  
10                  confirmed by the senate;
- 11          (8) Judges, referees, receivers, masters, jurors, notaries  
12                  public, land court examiners, court commissioners, and  
13                  attorneys appointed by a state court for a special  
14                  temporary service;
- 15          (9) One bailiff for the chief justice of the supreme court  
16                  who shall have the powers and duties of a court  
17                  officer and bailiff under section 606-14; one  
18                  secretary or clerk for each justice of the supreme  
19                  court, each judge of the intermediate appellate court,  
20                  and each judge of the circuit court; one secretary for  
21                  the judicial council; one deputy administrative



1 director of the courts; three law clerks for the chief  
2 justice of the supreme court, two law clerks for each  
3 associate justice of the supreme court and each judge  
4 of the intermediate appellate court, one law clerk for  
5 each judge of the circuit court, two additional law  
6 clerks for the civil administrative judge of the  
7 circuit court of the first circuit, two additional law  
8 clerks for the criminal administrative judge of the  
9 circuit court of the first circuit, one additional law  
10 clerk for the senior judge of the family court of the  
11 first circuit, two additional law clerks for the civil  
12 motions judge of the circuit court of the first  
13 circuit, two additional law clerks for the criminal  
14 motions judge of the circuit court of the first  
15 circuit, and two law clerks for the administrative  
16 judge of the district court of the first circuit; and  
17 one private secretary for the administrative director  
18 of the courts, the deputy administrative director of  
19 the courts, each department head, each deputy or first  
20 assistant, and each additional deputy, or assistant  
21 deputy, or assistant defined in paragraph (16);



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

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

14       (B) Effective July 1, 2003, teaching assistants,  
15          educational assistants, bilingual or bicultural  
16          school-home assistants, school psychologists,  
17          psychological examiners, speech pathologists,  
18          athletic health care trainers, alternative school  
19          work study assistants, alternative school  
20          educational or supportive services specialists,  
21          alternative school project coordinators, and



1                   communications aides in the department of  
2                   education;

3                   (C) The special assistant to the state librarian and  
4                   one secretary for the special assistant to the  
5                   state librarian; and

6                   (D) Members of the faculty of the university of  
7                   Hawaii, including research workers, extension  
8                   agents, personnel engaged in instructional work,  
9                   and administrative, professional, and technical  
10                  personnel of the university;

11               (12) Employees engaged in special, research, or  
12               demonstration projects approved by the governor;

13               (13) (A) Positions filled by inmates, patients of state  
14               institutions, and persons with severe physical or  
15               mental disabilities participating in the work  
16               experience training programs;

17               (B) Positions filled with students in accordance with  
18               guidelines for established state employment  
19               programs; and

20               (C) Positions that provide work experience training  
21               or temporary public service employment that are





1 filled by persons entering the workforce or  
2 persons transitioning into other careers under  
3 programs such as the federal Workforce Investment  
4 Act of 1998, as amended, or the Senior Community  
5 Service Employment Program of the Employment and  
6 Training Administration of the United States  
7 Department of Labor, or under other similar state  
8 programs;

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

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

18 (16) Positions of first deputies or first assistants of  
19 each department head appointed under or in the manner  
20 provided in section 6, article V, of the Hawaii State  
21 Constitution; three additional deputies or assistants



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



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; two  
5 administrative assistants 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;



- 1       (19) Household employees at the official residence of the  
2            president of the university of Hawaii;
- 3       (20) Employees in the department of education engaged in  
4            the supervision of students during meal periods in the  
5            distribution, collection, and counting of meal  
6            tickets, and in the cleaning of classrooms after  
7            school hours on a less than half-time basis;
- 8       (21) Employees hired under the tenant hire program of the  
9            Hawaii public housing authority; provided that no more  
10           than twenty-six per cent of the authority's workforce  
11           in any housing project maintained or operated by the  
12           authority shall be hired under the tenant hire  
13           program;
- 14       (22) Positions of the federally funded expanded food and  
15            nutrition program of the university of Hawaii that  
16            require the hiring of nutrition program assistants who  
17            live in the areas they serve;
- 18       (23) Positions filled by persons with severe disabilities  
19            who are certified by the state vocational  
20            rehabilitation office that they are able to perform  
21            safely the duties of the positions;



1 (24) The sheriff;

2 (25) A gender and other fairness coordinator hired by the  
3 judiciary;

4 (26) Positions in the Hawaii National Guard youth and adult  
5 education programs;

6 (27) In the Hawaii state energy office in the department of  
7 business, economic development, and tourism, all  
8 energy program managers, energy program specialists,  
9 energy program assistants, and energy analysts;

10 (28) Administrative appeals hearing officers in the  
11 department of human services;

12 (29) In the Med-QUEST division of the department of human  
13 services, the division administrator, finance officer,  
14 health care services branch administrator, medical  
15 director, and clinical standards administrator;

16 (30) In the director's office of the department of human  
17 services, the enterprise officer, information security  
18 and privacy compliance officer, security and privacy  
19 compliance engineer, security and privacy compliance  
20 analyst, information technology implementation  
21 manager, assistant information technology



1 implementation manager, resource manager, community or  
2 project development director, policy director, special  
3 assistant to the director, and limited English  
4 proficiency project manager or coordinator;

5 (31) The Alzheimer's disease and related dementia services  
6 coordinator in the executive office on aging;

7 (32) In the Hawaii emergency management agency, the  
8 executive officer, public information officer, civil  
9 defense administrative officer, branch chiefs, and  
10 emergency operations center state warning point  
11 personnel; provided that for state warning point  
12 personnel, the director shall determine that  
13 recruitment through normal civil service recruitment  
14 procedures would result in delay or noncompliance;

15 (33) The executive director and seven full-time  
16 administrative positions of the school facilities  
17 authority;

18 (34) Positions in the Mauna Kea stewardship and oversight  
19 authority;



- 1 (35) In the office of homeland security of the department
- 2 of law enforcement, the statewide interoperable
- 3 communications coordinator;
- 4 (36) In the social services division of the department of
- 5 human services, the business technology analyst;
- 6 (37) The executive director and staff of the 911 board;
- 7 (38) The software developer supervisor and senior software
- 8 developers in the department of taxation;
- 9 (39) In the department of law enforcement, five Commission
- 10 on Accreditation for Law Enforcement Agencies, Inc.,
- 11 coordinator positions;
- 12 (40) The state fire marshal and deputy state fire marshal
- 13 in the office of the state fire marshal;
- 14 (41) The administrator, administrative manager, training
- 15 and curriculum coordinator, and lead investigative
- 16 agent for the law enforcement standards board;
- 17 (42) In the office of the director of taxation, the data
- 18 privacy officer and tax business analysts; and
- 19 [+](43)[+] All positions filled by the Hawaii tourism authority
- 20 within the department of business, economic
- 21 development, and tourism.



1       The director shall determine the applicability of this  
2 section to specific positions.

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

5       SECTION 3. Section 139-3, Hawaii Revised Statutes, is  
6 amended to read as follows:

7       "**§139-3 Powers and duties of the board.** The board shall:

- 8       (1) Adopt rules in accordance with chapter 91 to implement  
9       this chapter;
- 10       (2) Establish minimum standards for employment as a law  
11       enforcement officer and to certify persons to be  
12       qualified as law enforcement officers;
- 13       (3) Establish criteria and standards in which a person who  
14       has been denied certification, whose certification has  
15       been revoked by the board, or whose certification has  
16       lapsed may reapply for certification;
- 17       (4) Establish minimum criminal justice curriculum  
18       requirements for basic, specialized, and in-service  
19       courses and programs for schools operated by or for  
20       the State or a county for the specific purpose of  
21       training law enforcement officers;





- 1           (5) Consult and cooperate with the counties, agencies of
- 2           the State, other governmental agencies, universities,
- 3           colleges, and other institutions concerning the
- 4           development of law enforcement officer training
- 5           schools and programs of criminal justice instruction;
- 6           (6) Employ an administrator, an administrative manager, a
- 7           training and curriculum coordinator, and a lead
- 8           investigative agent, without regard to [~~chapter~~]
- 9           chapters 76[~~7~~] and 89, and other persons necessary to
- 10          carry out its duties under this chapter;
- 11          (7) Investigate when there is reason to believe that a law
- 12          enforcement officer does not meet the minimum
- 13          standards for employment, and in so doing, may:
- 14               (A) Subpoena persons, books, records, or documents;
- 15               (B) Require answers in writing under oath to
- 16               questions asked by the board; and
- 17               (C) Take or cause to be taken depositions as needed
- 18               in investigations, hearings, and other
- 19               proceedings,
- 20          related to the investigation;



- 1       (8)   Establish and require participation in continuing  
2           education programs for law enforcement officers;
- 3       (9)   Have the authority to charge and collect fees for  
4           applications for certification as a law enforcement  
5           officer;
- 6       (10)  Establish procedures and criteria for the revocation  
7           of certification issued by the board;
- 8       (11)  Have the authority to revoke certifications;
- 9       (12)  Review and recommend statewide policies and procedures  
10          relating to law enforcement, including the use of  
11          force;
- 12      (13)  Consider studies relevant to the board's objectives,  
13          including the study that examines consolidating the  
14          law enforcement activities and responsibilities of  
15          various state divisions and agencies under a single,  
16          centralized state enforcement division or agency,  
17          conducted pursuant to Act 124, Session Laws of Hawaii  
18          2018; and
- 19      (14)  Conduct its own study to evaluate how to efficiently  
20          and effectively satisfy its duties in accordance with  
21          the law."

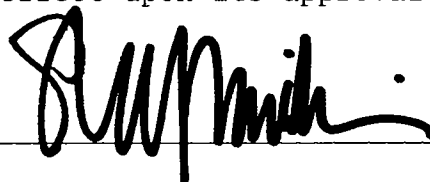


1       SECTION 4. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY:





# S.B. NO. 2593

**Report Title:**

LESB; Civil Service; Collective Bargaining; Exemption

**Description:**

Exempts certain positions of the Law Enforcement Standards Board from the state civil service law and collective bargaining.

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