

ACT 213

H.B. NO. 1688

A Bill for an Act Relating to the State Law Enforcement Planning Agency.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. **Purpose.** The purpose of this Act is to provide for the establishment and operation of the State Law Enforcement Planning Agency, State of Hawaii.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read:

“CHAPTER

STATE LAW ENFORCEMENT PLANNING AGENCY

Sec. -1 Establishment. The state law enforcement planning agency is established within the office of the governor and shall be subject to the jurisdiction of the governor.

Sec. -2 Organization and staffing. The state law enforcement planning agency shall be headed by a director who shall be assisted by a deputy director.

Sec. -3 Functions. The state law enforcement planning agency shall, among others, perform the following functions:

- (1) Administer and implement, upon creation as the state planning agency by this chapter as mandated by Section 203 of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351, 82 Stat. 197, as amended by Section 105 of the Crime Control Act of 1976, Public Law 94-503, 90 Stat. 2407 (A) the Law Enforcement Assistance Administration (LEAA) program authorized by said Omnibus Crime Control and Safe Streets Act, as amended, and (B) the Juvenile Justice and Delinquency Prevention Act of 1974, Public Law 93-415, 42 USC 5601, as amended.
- (2) Develop and update a comprehensive statewide plan for the improvement of law enforcement and criminal justice, including the prevention and control of juvenile delinquency. The subject comprehensive plan shall be submitted to the Legislature while in session or to the President of the Senate and the Speaker of the House of Representatives while the Legislature is not in session for an advisory review pursuant to the Omnibus Crime Control And Safe Streets Act of 1968 as amended by Section 108 of the Crime Control Act of 1976, Public Law 94-503, and shall, among other things contain:
 - (A) A description of the existing criminal justice system in the State and resources available thereto.
 - (B) An assessment of criminal justice problems and needs in the State.
 - (C) Recommendations regarding criminal justice improvement programs and priorities relating thereto.
 - (D) A description, to the extent appropriate, of the relationship of the subject plan to other relevant state or local law enforcement and criminal justice plans and system.

Sec. -4 Duration. The state law enforcement planning agency shall continue its operation as necessary, and so long as sufficient federal funds are available, to administer and implement the provisions of the aforementioned Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Juvenile Justice and Delinquency Prevention Act of 1974, as amended."

SECTION 3. Any law to the contrary notwithstanding, all moneys appropriated by the Hawaii State Legislature to the State Law Enforcement and Juvenile Delinquency Planning Agency shall be transferred and be subject to utilization by the State Law Enforcement Planning Agency.

SECTION 4. All officers and employees whose functions are transferred by this Act shall be transferred with their functions and shall continue to perform their regular duties upon their transfer.

No officer or employee of the State having tenure shall suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefit or privilege as a consequence of this Act, and such officer or employee

may be transferred or appointed to a civil service position without the necessity of examination; provided, that the officer or employee possesses the minimum qualifications for the position to which he is transferred or appointed; and provided, that subsequent changes in status may be made pursuant to applicable civil service and compensation laws.

Any officer or employee of the State who does not have tenure and whose function is transferred by this Act shall not suffer any loss of salary, seniority, prior service credit, vacation, sick leave, or other employee benefits or privileges.

SECTION 5. All records, equipment, machines, files, supplies, contracts, books, papers, documents, maps and other personal property heretofore made, used, acquired or held by the State Law Enforcement and Juvenile Delinquency Planning Agency relating to the functions transferred to the State Law Enforcement Planning Agency shall be transferred with the functions to which they relate.

SECTION 6. It is the intent of this Act not to jeopardize the receipt of any federal aid and to the extent, and only to the extent necessary to effectuate this intent, the governor may modify the strict provisions of this Act but shall promptly thereafter report any such modification and reasons therefor for review to the legislature at its next session.

SECTION 7. This Act shall take effect upon its approval.

(Approved June 5, 1978.)