

ACT 90

H.B. NO. 1772

A Bill for an Act Relating to Residency of Police Officer Applicants.

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

SECTION 1. The legislature finds that state residency requirements deter prospective police officer applicants at a time when the State suffers from serious shortages in public safety positions. The purpose of this Act is to allow applicants for police officer positions to be non-residents of Hawaii at the time of their application.

SECTION 2. Section 78-1, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

“(c) All persons seeking employment with the government of the State or in the service of any county shall be citizens, nationals, or permanent resident aliens of the United States, or eligible under federal law for unrestricted employment in the United States, and residents of the State at the time of their application for employment and as a condition of eligibility for continued employment.

“Resident” means a person who is physically present in the State at the time the person claims to have established the person’s domicile in the State and shows

the person's intent is to make Hawaii the person's permanent residence. In determining this intent, the following factors shall be considered:

- (1) Maintenance of a domicile or permanent place of residence in the State;
- (2) Absence of residency in another state; and
- (3) Former residency in the State.

This subsection's requirement for state residency shall not apply to applicants for police officer positions; provided that upon employment, the police officer shall establish residency as a condition of continued employment as a police officer."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2002.

(Approved May 31, 2002.)