

ACT 83

S.B. NO. 1393

A Bill for an Act Relating to the Executive Departments of State Government.

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

SECTION 1. (a) The director of public safety shall conduct a study to determine the feasibility of dividing the department of public safety (department) into the department of corrections and the department of law enforcement. The study shall include a report on the following:

- (1) A review of all functions currently assigned to the department and a review of other states' organizational structures for correctional and law enforcement functions;
- (2) An analysis of budget allocations to the department, including the financial breakdown by program;
- (3) A justification for the existence of each program;
- (4) Personnel position descriptions, classifications, benefits including requirement benefits, and employment status (e.g. civil service, exempt, and excluded);
- (5) A review of facilities and property under the department's control;
- (6) Identification of operational, procedural, and other issues that may be resolved by dividing the department into the two separate entities;
- (7) An analysis and comparison of the training and qualifications of those persons in the department holding law enforcement positions with police powers with those of local police officers;
- (8) An estimate of future impacts on the department's resources (e.g. prison population, drug rehabilitation programs, and other post incarceration programs, and law enforcement responsibilities).

(b) If the director determines from the study that dividing the department is feasible, the director also shall submit the following:

- (1) Justification for dividing the department;
- (2) A cost/benefit analysis for dividing the department;
- (3) The effect of the division of the department on personnel, particularly management positions;
- (4) A summation of jurisdictional issues relating to law enforcement and duplication of services between the new law enforcement department and local law enforcement;
- (5) An organizational structure;
- (6) A proposed budget for each new entity;
- (7) A report on how each issue raised in subsection (a)(6) will be resolved;
- (8) Legislation to effectuate the recommendations of the director's report if necessary; and
- (9) A report to the legislature no later than twenty days before the convening of the Regular Session of 2004.

ACT 83

SECTION 2. This Act shall take effect upon approval.

(Approved May 22, 2003.)