

ACT 92

H.B. NO. 2016

A Bill for an Act Relating to Counties.

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

SECTION 1. Article VIII, section 2, of the Hawaii constitution states, in relevant part, that “[E]ach political subdivision shall have the power to frame and adopt a charter for its own self-government within such limits and under such procedures as may be provided by general law. . . . Charter provisions with respect to a political subdivision’s executive, legislative and administrative structure and organization shall be superior to statutory provisions, subject to the authority of the legislature to enact general laws allocating and reallocating powers and functions.”

The purpose of this Act is to authorize the counties to appoint and remove their respective county police chiefs pursuant to the county’s charter. The legislature finds that the grant of such authority is within the purview of the counties’ executive and administrative structure and organization, and is therefore supported by and consistent with the principle of county self-governance established in article VIII, section 2, of the Hawaii constitution.

SECTION 2. Section 52D-2, Hawaii Revised Statutes, is amended to read as follows:

~~“[§52D-2] Chief of police. [The police commission shall appoint a chief of police.]~~ A chief of police shall be appointed and may be removed as prescribed by the charter of each county. The chief of police shall annually make a report to the police commission on the state of affairs and condition of the police department.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 11, 2010.)