

ACT 215

S.B. NO. 11

A Bill for an Act Relating to the Department of the Sheriff.

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

SECTION 1. The legislature finds that the sheriff division of the department of public safety shoulders responsibilities that are integral to preserving the public peace and safety. Specifically, the division:

- (1) Serves and protects the public, government officials, and state personnel and property under its jurisdiction, including at state facilities, lands, and airports, and within the jurisdictional boundaries of the State, by providing law enforcement services that incorporate patrols, surveillance, and educational activities;
- (2) Protects state judges and judicial proceedings, secures judicial facilities, safely handles detained persons, and provides secure transport for persons in custody; and
- (3) Executes arrest warrants for the judiciary and the Hawaii paroling authority.

The purpose of this Act is to establish a task force that, among other things, will:

- (1) Determine whether the department of public safety is capable of supporting and maintaining the function of the sheriff division;

- (2) Study the feasibility and essential need to create a new department of the sheriff that would assume the duties and functions of the sheriff division of the department of public safety; and
- (3) Create a plan for the establishment of a new department only if the aforementioned task force study determines that the new department is feasible, essential, and capable of supporting and maintaining the duties and functions of the sheriff division.

SECTION 2. (a) There shall be established a task force that shall:

- (1) Determine whether the department of public safety is capable of supporting and maintaining the duties and functions of the sheriff division;
- (2) Determine whether it is feasible and essential to create a department of the sheriff; and
- (3) If the study determines the new department is feasible and essential, create a plan to establish a new department of the sheriff with functions presently existing under the sheriff division of the department of public safety and other functions deemed appropriate, including the broad functions enumerated in section 3 of this Act. The plan shall also include a process for implementation of the plan to establish a department of the sheriff.
 - (b) The task force shall consist of the following members:
 - (1) The sheriff, or the sheriff's designee, to serve as chair;
 - (2) The director of public safety, or the director's designee;
 - (3) The director of human resources development, or the director's designee;
 - (4) The director of finance, or the director's designee;
 - (5) The attorney general, or the attorney general's designee;
 - (6) The administrator of the courts, or the administrator's designee; and
 - (7) The executive director of the Hawaii Government Employees Association, or the executive director's designee.
 - (c) The task force shall report its findings and recommendations, including proposed legislation, if any, to the legislature no later than twenty days prior to the convening of the regular session of 2012. If the task force finds that the creation of a department of the sheriff is feasible and essential, the report shall include cost estimates to establish the department of the sheriff.
 - (d) The task force shall cease to exist on May 1, 2012.

SECTION 3. For purposes of determining whether it is feasible and essential to establish the department of the sheriff pursuant to section 2 of this Act, the task force shall consider the inclusion of the following broad functions in that department:

- (1) Preserving the public peace, preventing crime, detecting and arresting offenders against the law, protecting the rights of persons and property, and enforcing and preventing violation of all laws and administrative rules of the State as the sheriff deems necessary or desirable or, upon request, to assist other state officers or agencies that have primary administrative responsibility over specific subject matters or programs;
- (2) Providing for the protection and safety of the people of Hawaii through law enforcement at state facilities, lands, harbors, and airports, and within the jurisdictional boundaries of the State;

- (3) Receiving and processing arrestees at the district and circuit courts and for the neighbor islands, at the respective county police department receiving desks, and transporting them to appropriate agencies and authorized individuals;
- (4) Training, equipping, maintaining, and supervising the force of deputy sheriffs and other employees of the department; and
- (5) Performing other law enforcement activities as may be required by law, including the service of warrants.

SECTION 4. This Act shall take effect on July 1, 2011.

(Approved July 11, 2011.)