

## A Bill for an Act Relating to Private Guards.

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

SECTION 1. The legislature finds that the purpose of Act 208, Session Laws of Hawaii 2010, was to ensure the competency and professionalism of private security guards and individuals acting in a guard capacity by requiring these individuals to register as a guard with the board of private detectives and guards ("board") and meet new registration, instruction, and training requirements prior to acting as a guard.

The legislature further finds that, as the board has just completed the initial registration of approximately nine thousand guard employees in 2013, the board, industry, and registrants need some relief from the continuing education requirement that is scheduled to go into effect on June 30, 2014. Accordingly, the effective date of the new continuing education requirements should be extended to the next renewal period of June 30, 2016.

The legislature additionally finds that although the board concurs with the legislature that requiring continuing education to renew a guard registration is valuable to the registrant, industry, and public, the board finds that the four-hour requirement should be changed from an annual requirement to a biennial requirement. The board believes that four hours every two years is sufficient to ensure that guard employees are aware of current trends in the guard industry and refresh guard employees about some of the important training concepts included in their initial eight-hour training curriculum. Therefore, amendments to the continuing education requirement are necessary.

The purpose of this Act is to amend provisions relating to private guards and individuals acting in a guard capacity by:

- (1) Reducing the continuing education requirement to four hours every two years;
- (2) Delaying the continuing education requirement by two years, thereby making the requirement effective prior to the June 30, 2016, renewal cycle; and
- (3) Making permanent the registration and licensure requirements for private guards and individuals acting in a guard capacity by repealing the sunset date of Act 208, Session Laws of Hawaii 2010.

SECTION 2. Section 463-10.5, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (c) to read:

"(c) Guards and individuals acting in a guard capacity shall successfully complete the classroom instruction specified by this section, pass a written test, and undergo four hours of on-the-job training supervised by an individual who has successfully completed all of the requirements of this section or who has otherwise been approved by the board for on-the-job training. Guards and individuals acting in a guard capacity shall successfully complete:

- (1) Eight hours of classroom instruction before the first day of service; and
- (2) Four hours of classroom instruction [~~annually~~ biennially thereafter-]; provided that in addition to relevant guard industry material, the required classroom instruction shall include a refresher component on professional image and aloha training."

2. By amending subsection (g) to read:

“(g) Prior to the June 30, [2014] 2016, renewal of the guard registration and every registration renewal thereafter, the applicant shall pay all required fees, and have had at least four hours of continuing education as specified in the rules of the board.

The board may conduct a random audit, pursuant to rules adopted pursuant to chapter 91, of registrants applying for renewal of a registration to determine whether the continuing education requirements of this subsection have been met.

The failure, neglect, or refusal of any registered guard to pay the renewal fee or meet the continuing education requirements shall constitute a forfeiture of the guard’s registration. A forfeited registration may be restored upon written application within one year from the date of forfeiture, payment of the required renewal fee plus penalty fees, and meeting the continuing education requirements in effect at the time of restoration.”

SECTION 3. Act 208, Session Laws of Hawaii 2010, is amended by amending section 8 to read as follows:

“SECTION 8. This Act shall take effect upon its approval[; ~~provided that this Act shall be repealed on July 1, 2016; and provided further that sections 463-1, 463-8, 463-9, and 463-13, Hawaii Revised Statutes, shall be reenacted in the form in which they existed on the day before the effective date of this Act.~~”

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect on June 29, 2014.

(Approved June 16, 2014.)