

## ACT 75

H.B. NO. 1129

A Bill for an Act Relating to Special Duty for Deputy Sheriffs.

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

SECTION 1. The legislature finds that deputy sheriffs routinely serve the community by providing off-duty law enforcement service, commonly known as "special duty", for monetary compensation to persons, organizations, and government entities other than the state department of public safety. Therefore, the legislature finds it is appropriate to include statutory authorization for special duty performed by deputy sheriffs.

The purpose of this Act is to require the department of public safety to:

- (1) Develop policies and procedures to govern the processing of requests for special duty;
- (2) Establish a compensation schedule for deputy sheriffs performing special duty; and
- (3) Submit a report to the legislature on policies and procedures, amounts paid for deputy sheriffs performing special duty, and compensation received by each deputy sheriff for special duty.

SECTION 2. (a) The department of public safety shall:

- (1) Develop policies and procedures to govern the processing of requests for special duty; and
- (2) Establish the compensation schedule for law enforcement services provided by deputy sheriffs performing special duty.

(b) For purposes of this Act, "special duty" means the performance of a service for a person, organization, or governmental entity other than the department of public safety, by a deputy sheriff of the sheriff division acting in a law enforcement capacity, in return for which the deputy sheriff receives a direct or indirect payment or compensation of some kind.

SECTION 3. (a) In order for the legislature to determine whether this Act should be extended beyond its repeal date of June 30, 2018, the department of public safety shall submit a report to the legislature by February 1, 2018, that provides the following information:

- (1) The policies and procedures established pursuant to this Act;
  - (2) Amounts paid by state departments and agencies for deputy sheriffs performing special duty; and
  - (3) The compensation received by deputy sheriffs performing special duty for governmental entities, persons, or organizations.
- (b) More specifically, the report shall include:
- (1) The policies and procedures for deputy sheriffs performing special duty as established pursuant to this Act, including the compensation charged for special duty and the process by which deputy sheriffs are selected for special duty;
  - (2) The difference between the current policies and procedures and the former policies and procedures;
  - (3) Separately for fiscal year 2016-2017 and the fiscal period July 1, 2017, to December 31, 2017, the amounts paid by state departments and agencies to deputy sheriffs performing special duty during normal state office hours (7:45 a.m. to 4:45 p.m., Monday to Friday) and outside of normal state office hours;

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- (4) The reasons that the sheriffs' division does not assign deputy sheriffs performing regular duty to state departments and agencies that need security during normal state office hours;
- (5) The following information for each deputy sheriff (by position title and number and without name) who has performed special duty during fiscal year 2017-2018 and the fiscal period July 1, 2017, to December 31, 2017:
  - (A) The total special duty compensation received, with a breakout for compensation received from state departments and agencies for special duty during normal state office hours, compensation received from state departments and agencies for special duty outside of normal state office hours, and compensation received for other special duty;
  - (B) The number of hours of special duty, with the same breakouts as under subparagraph (A); and
  - (C) The percentage of special duty pay to base salary; and
- (6) A comparison between county police department special duty rates and the department of public safety special duty rates for each county.

**SECTION 4.** This Act shall take effect upon its approval, and shall be repealed on June 30, 2018.

(Approved July 3, 2017.)