

JAN 20 2011

A BILL FOR AN ACT

RELATING TO IOLANI PALACE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Law enforcement jurisdiction over the grounds
2 of the Iolani Palace currently resides with the department of
3 land and natural resources as a state park. The legislature
4 finds that the functions of law enforcement officers of the
5 department of land and natural resources are stretched thin by
6 the vast array of land and natural resources under the
7 department's jurisdiction, including public parks, forests,
8 beaches, oceans, and other public lands.

9 The legislature further finds that the department of public
10 safety, sheriffs' division, which has jurisdiction over the
11 adjacent State Capitol, is the more appropriate law enforcement
12 agency to have jurisdiction over the Iolani Palace buildings and
13 grounds.

14 It is not the intent of this Act to transfer:

15 (1) The management of the historic preservation functions
16 of the department of land and natural resources for
17 Iolani Palace; or



1 (2) The rulemaking authority of the department of land and
2 natural resources.

3 The purpose of this Act is to transfer law enforcement
4 jurisdiction over the Iolani Palace building and grounds from
5 the department of land and natural resources to the department
6 of public safety.

7 SECTION 2. Section 171-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§171-3 Department of land and natural resources. (a)
10 The department of land and natural resources shall be headed by
11 an executive board to be known as the board of land and natural
12 resources. The department shall manage, administer, and
13 exercise control over public lands, the water resources, ocean
14 waters, navigable streams, coastal areas (excluding commercial
15 harbor areas), and minerals and all other interests therein and
16 exercise such powers of disposition thereof as may be authorized
17 by law. The department shall also manage and administer the
18 state parks, historical sites, forests, forest reserves, aquatic
19 life, aquatic life sanctuaries, public fishing areas, boating,
20 ocean recreation, coastal programs, wildlife, wildlife
21 sanctuaries, game management areas, public hunting areas,
22 natural area reserves, and other functions assigned by law.



1 (b) Notwithstanding subsection (a), beginning January 1,
2 2010, the authority to manage, administer, and exercise control
3 over any public lands that are designated important agricultural
4 lands pursuant to section 205-44.5, shall be transferred to the
5 department of agriculture.

6 (c) Notwithstanding subsection (a), effective July 1, 2012
7 law enforcement jurisdiction over the building and grounds of
8 Iolani Palace shall be transferred to the department of public
9 safety, as provided in section 353C-2."

10 SECTION 3. Section 353C-2, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§353C-2 Director of public safety; powers and duties.

13 [†] (a) [†] The director of public safety shall administer the
14 public safety programs of the department of public safety and
15 shall be responsible for the formulation and implementation of
16 state goals and objectives for correctional and law enforcement
17 programs, including ensuring that correctional facilities and
18 correctional services meet the present and future needs of
19 persons committed to the correctional facilities. In the
20 administration of these programs, the director may:

21 (1) Preserve the public peace, prevent crime, detect and
22 arrest offenders against the law, protect the rights



1 of persons and property, and enforce and prevent
2 violation of all laws and administrative rules of the
3 State as the director deems to be necessary or
4 desirable or upon request, to assist other state
5 officers or agencies that have primary administrative
6 responsibility over specific subject matters or
7 programs;

8 (2) Train, equip, maintain, and supervise the force of
9 public safety officers, including law enforcement and
10 correctional personnel, and other employees of the
11 department;

12 (3) Serve process both in civil and criminal proceedings;

13 (4) Perform other duties as may be required by law;

14 (5) Adopt, pursuant to chapter 91, rules that are
15 necessary or desirable for the administration of
16 public safety programs; and

17 (6) Enter into contracts in behalf of the department and
18 take all actions deemed necessary and appropriate for
19 the proper and efficient administration of the
20 department.

21 (b) Effective July 1, 2012 the department of public safety

22 shall have law enforcement jurisdiction over the buildings and



1 grounds of Iolani Palace, for the purpose of preserving the
2 public peace, preventing crime, detecting and arresting
3 offenders of the law, protecting the rights of persons and
4 property, and enforcing and preventing violation of all laws and
5 any administrative rules of the department of land and natural
6 resources. The department of public safety shall consult with
7 the department of land and natural resources on the
8 interpretation and application of any administrative rule for
9 purposes of this subsection. This subsection shall not be
10 construed to:

11 (1) Authorize sheriffs of the department of public safety
12 to enter into the Iolani Palace building other than
13 for law enforcement purposes when warranted by the
14 circumstances; or

15 (2) Relieve the Honolulu police department from any law
16 enforcement duties with regards to Iolani Palace;
17 provided that the department of public safety shall
18 have primary law enforcement jurisdiction for Iolani
19 Palace.

20 ~~[(b)]~~ (c) The department of public safety shall report
21 to the legislature not later than twenty days prior to the
22 commencement of the 2008 regular session, and every session



1 thereafter, with its achievements, continuing improvements, and
2 ongoing problems in providing the appropriate mental health care
3 to committed persons under its jurisdiction."

4 SECTION 4. The department of public safety shall commence
5 law enforcement duties under this Act for Iolani Palace on July
6 1, 2012.

7 SECTION 5. No later than December 31, 2011, the department
8 of public safety shall prepare and present to the legislature a
9 plan, including funding projections, to assume law enforcement
10 functions over Iolani Palace as provided in this Act.

11 SECTION 6. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 7. This Act shall take effect on July 1, 2011.

14

INTRODUCED BY:

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Report Title:

Iolani Palace; Law Enforcement Jurisdiction

Description:

Transfers law enforcement jurisdiction over Iolani Palace from the department of land and natural resources to the department of public safety.

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