

STAND. COM. REP. NO. 2488

Honolulu, Hawaii

FEB 27 2014

RE: S.B. No. 2486
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2486 entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE GUARDS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend various 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 to 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 (Act 208).

Your Committee received testimony in support of this measure from the Board of Private Detectives and Guards, Hawaii Council of Associations of Apartment Owners, and one individual. Your Committee received testimony in opposition to this measure from Transcend, Inc.; Rainbow Family 808; and five individuals.

Your Committee finds that Act 208, was intended 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 and meet new registration, instruction, and training requirements prior to acting as a guard.

Your Committee further finds that, thanks to the hard work of the Board of Private Detectives and Guards, approximately 9,000 guard employees were registered in 2013. Because initial registration of these individuals includes an educational component, the 9,000 newly registered guard employees have recently completed mandatory training. Your Committee notes that this measure does not affect the mandatory training private security guards and individuals acting in a guard capacity must undergo prior to registration with the board. Rather, this measure preserves the continuing education requirement, but delays it until June 30, 2016, thus providing sufficient time for its development, administration, and implementation.

Your Committee additionally finds that the board and the private detective and guard industry concur that four hours of continuing education every two years, as proposed by this measure, is sufficient to refresh guard employees on important training concepts included in the initial eight-hour training curriculum and ensure that guard employees are kept abreast of current trends in the guard industry.

Your Committee has heard the concerns raised in testimony that Act 208 does not impose liability on employers for hiring or using unregistered guards. Your Committee understands these concerns but notes that the Board of Private Detectives and Guards has jurisdiction over guard agencies, not private employers such as hotels or retail establishments. Furthermore, although the Regulated Industries Complaints Office has the ability to investigate an employer that hires or uses unregistered individuals acting as security guards or in a guard capacity, such investigation may be beyond the scope of the board's duties. Nevertheless, your Committee requests the board to consider these issues raised in testimony and, if appropriate, consider the adoption of rules to address these concerns.

Finally, your Committee notes that because the continuing education requirements for private detectives and guards are scheduled to go into effect June 30, 2014, an amendment to the effective date of this measure is needed.

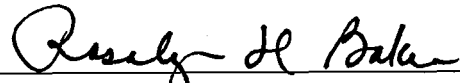


Accordingly, your Committee has amended this measure by:

- (1) Inserting an effective date of June 29, 2014; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2486, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



ROSALYN H. BAKER, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2480	Committee Referral: CPN	Date: 2/12/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.				✓
WAKAI, Glenn				✓
SLOM, Sam	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes