
A BILL FOR AN ACT

RELATING TO FIREARMS.

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

1 SECTION 1. The legislature finds that the consumption of
2 alcohol or certain prescription medications can impair the
3 judgment and physical response of a law enforcement officer.
4 The legislature also finds that it is important to establish a
5 high standard and criteria regarding the consumption of alcohol
6 and certain prescription medications in order to ensure the
7 safety of everyone in the State.

8 The purpose of this Act is to prohibit state and county law
9 enforcement officers from consuming alcohol or prescription
10 medications that can mentally or physically impair their
11 judgment while carrying a firearm.

12 SECTION 2. Section 26-14.6, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§26-14.6 Department of public safety.** (a) The
15 department of public safety shall be headed by a single
16 executive to be known as the director of public safety.

17 (b) The department of public safety shall be responsible
18 for the formulation and implementation of state policies and



1 objectives for correctional, security, law enforcement, and
2 public safety programs and functions, for the administration and
3 maintenance of all public or private correctional facilities and
4 services, for the service of process, and for the security of
5 state buildings.

6 (c) Effective July 1, 1990, the Hawaii paroling authority
7 and the crime victim compensation commission are placed within
8 the department of public safety for administrative purposes
9 only.

10 (d) Effective July 1, 1990, the functions and authority
11 heretofore exercised by:

12 (1) The department of corrections relating to adult
13 corrections and the intake service centers;

14 (2) The judiciary relating to the sheriff's office and
15 judiciary security personnel; and

16 (3) The department of the attorney general relating to
17 state law enforcement officers and narcotics
18 enforcement investigators with the narcotics
19 enforcement division,

20 shall be transferred to the department of public safety.

21 (e) Effective July 1, 1990, the functions and authority
22 heretofore exercised by the department of health pursuant to



1 chapters 329 and 329C, with the exception of sections 329-2,
2 329-3, and 329-4[~~(3)~~ to ~~(8)~~], shall be transferred to the
3 department of public safety.

4 (f) Effective July 1, 1990, the functions, authority, and
5 obligations, together with the limitations imposed thereon and
6 the privileges and immunities conferred thereby, exercised by a
7 "sheriff", "sheriffs", a "sheriff's deputy", "sheriff's
8 deputies", a "deputy sheriff", "deputy sheriffs", or a "deputy",
9 under sections 21-8, 47-18, 105-4, 134-51, 183D-11, 187A-14,
10 231-25, 281-108, 281-111, 286-52, 286-52.5, 321-1, 322-6, 325-9,
11 353-11, 356D-54, 356D-94, 383-71, 438-5, 445-37, 482E-4,
12 485A-202, 501-42, 501-171, 501-218, 521-78, 578-4, 584-6,
13 587-33, 603-29, 604-6.2, 606-14, 607-2, 607-4, 607-8, 633-8,
14 634-11, 634-12, 634-21, 634-22, 651-33, 651-37, 651-51, 654-2,
15 655-2, 657-13, 660-16, 666-11, 666-21, 803-23, 803-34, 803-35,
16 804-14, 804-18, 804-41, 805-1, 806-71, and 832-23 shall be
17 exercised to the same extent by the department of public safety.

18 (g) Effective January 1, 1993, the functions and authority
19 heretofore exercised by the attorney general and the department
20 of the attorney general relating to the executive security
21 officers shall be transferred to the department of public
22 safety.



1 (h) Effective July 1, 1999, the functions and authority
2 heretofore exercised by the director of public safety and the
3 department of public safety relating to after hours security
4 contracts at department of education facilities, except for the
5 security functions being performed by employees of the public
6 library system as well as the contractual security services for
7 the libraries, shall be transferred to the department of
8 education.

9 (i) Effective January 1, 1993, the functions and authority
10 heretofore exercised by the director of health and the
11 department of health relating to uniformed security employees
12 and security contracts at various state hospitals throughout the
13 State shall be transferred to the department of public safety.
14 Effective July 1, 2005, the functions, authority, and employee
15 positions of the department of public safety relating to
16 uniformed security employees and security contracts at health
17 facilities that are under the operation, management, and control
18 of the Hawaii health systems corporation shall be transferred to
19 the Hawaii health systems corporation.

20 (j) Effective January 1, 1993, the functions and authority
21 heretofore exercised by the director of human services and the
22 department of human services relating to contractual security



1 guard services shall be transferred to the department of public
2 safety.

3 (k) Effective July 1, 1994, the functions and authority
4 heretofore exercised by the adjutant general relating to
5 security for national guard and state civil defense facilities
6 in the Diamond Head complex, for after work hours, shall be
7 transferred to the department of public safety.

8 (l) Effective July 1, 2002, the functions and authority
9 heretofore exercised by the director of public safety and the
10 department of public safety relating to after hours security
11 contracts at department of education facilities, including all
12 security functions being performed by employees of the public
13 library system, as well as the contractual security services for
14 the libraries, shall be transferred to the department of
15 education and the public library system as appropriate.

16 (m) Effective July 1, 2014, no department of public safety
17 employee authorized to carry a firearm shall consume any alcohol
18 while carrying a firearm or have consumed any alcohol within
19 _____ hours prior to carrying a firearm; provided that an
20 employee who is taking part in an official criminal surveillance
21 or undercover operation shall be exempt from this subsection.



1 (n) Effective July 1, 2014, no department of public safety
2 employee authorized to carry a firearm shall carry a firearm
3 after ingesting any prescription medication that would impair
4 the judgment or physical response of the employee while carrying
5 a firearm; provided that an employee who is taking part in an
6 official criminal surveillance or undercover operation shall be
7 exempt from this subsection."

8 SECTION 3. Section 26-15, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§26-15 Department of land and natural resources. (a)**

11 The department of land and natural resources shall be headed by
12 an executive board to be known as the board of land and natural
13 resources, except for matters relating to the state water code
14 where the commission on water resource management shall have
15 exclusive jurisdiction and final authority.

16 The board shall consist of seven members, one from each
17 land district and three at large. The appointment, tenure, and
18 removal of the members and the filling of vacancies on the board
19 shall be as provided in section 26-34. At least one member of
20 the board shall have a background in conservation and natural
21 resources, as provided in section 171-4.



1 The governor shall appoint the chairperson of the board
2 from among the members thereof.

3 The board may delegate to the chairperson such duties,
4 powers, and authority, or so much thereof, as may be lawful or
5 proper for the performance of the functions vested in the board.

6 The chairperson of the board shall serve in a full-time
7 capacity. The chairperson, in that capacity, shall perform
8 those duties, and exercise those powers and authority, or so
9 much thereof, as may be delegated by the board.

10 (b) The department shall manage and administer the public
11 lands of the State and minerals thereon and all water and
12 coastal areas of the State except the commercial harbor areas of
13 the State, including the soil conservation function, the forests
14 and forest reserves, aquatic life, wildlife resources, state
15 parks, including historic sites, and all activities thereon and
16 therein including, but not limited to, boating, ocean
17 recreation, and coastal areas programs.

18 (c) The functions and authority heretofore exercised by
19 the commissioner and board of public lands (including the
20 hydrography division and the bureau of conveyances), the Hawaii
21 water authority, the commission on ground water resources, the
22 Hawaii land development authority, the soil conservation



1 committee, and the commission on historical sites and the
2 function of managing the state parks and the function of
3 promoting the conservation, development and utilization of
4 forests, including the regulatory powers over the forest
5 reserve, aquatic life and wildlife resources of the State
6 heretofore exercised by the board of commissioners of
7 agriculture and forestry as heretofore constituted are
8 transferred to the department of land and natural resources
9 established by this chapter.

10 (d) Effective July 1, 2014, no department of land and
11 natural resources employee authorized to carry a firearm shall
12 consume any alcohol while carrying a firearm or have consumed
13 any alcohol within _____ hours prior to carrying a firearm;
14 provided that an employee who is taking part in an official
15 criminal surveillance or undercover operation shall be exempt
16 from this subsection.

17 (e) Effective July 1, 2014, no department of land and
18 natural resources employee authorized to carry a firearm shall
19 carry a firearm after ingesting any prescription medication that
20 would impair the judgment or physical response of the employee
21 while carrying a firearm; provided that an employee who is



1 taking part in an official criminal surveillance or undercover
2 operation shall be exempt from this subsection."

3 SECTION 4. Section 26-19, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§26-19 Department of transportation.** (a) The department
6 of transportation shall be headed by a single executive to be
7 known as the director of transportation. The department shall
8 establish, maintain, and operate transportation facilities of
9 the State, including highways, airports, harbors, and such other
10 transportation facilities and activities as may be authorized by
11 law.

12 (b) The department shall plan, develop, promote, and
13 coordinate various transportation systems management programs
14 that shall include, but not be limited to, alternate work and
15 school hours programs, bicycling programs, and ridesharing
16 programs.

17 (c) The department shall develop and promote ridesharing
18 programs which shall include but not be limited to, carpool and
19 vanpool programs, and may assist organizations interested in
20 promoting similar programs, arrange for contracts with private
21 organizations to manage and operate these programs, and assist
22 in the formulation of ridesharing arrangements. Ridesharing



1 programs include informal arrangements in which two or more
2 persons ride together in a motor vehicle.

3 (d) The functions and authority heretofore exercised by
4 the department of public works with respect to highways are
5 transferred to the department of transportation established by
6 this chapter.

7 (e) On July 1, 1961, the Hawaii aeronautics commission,
8 the board of harbor commissioners and the highway commission
9 shall be abolished and their remaining functions, duties, and
10 powers shall be transferred to the department of transportation.

11 (f) Effective July 1, 2014, no department of
12 transportation employee authorized to carry a firearm shall
13 consume any alcohol while carrying a firearm or have consumed
14 any alcohol within _____ hours prior to carrying a firearm;
15 provided that an employee who is taking part in an official
16 criminal surveillance or undercover operation shall be exempt
17 from this subsection.

18 (g) Effective July 1, 2014, no department of
19 transportation employee authorized to carry a firearm shall
20 carry a firearm after ingesting any prescription medication that
21 would impair the judgment or physical response of the employee
22 while carrying a firearm; provided that an employee who is



1 taking part in an official criminal surveillance or undercover
2 operation shall be exempt from this subsection."

3 SECTION 5. Section 52D-6, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~{}~~§52D-6~~{}~~ **Police force; employees.** (a) The chief of
6 police may appoint officers and other employees under such rules
7 and at such salaries as are authorized by law. Probationary
8 appointment, suspension, and dismissal of officers and employees
9 of the police department shall be as authorized by law.

10 (b) Effective July 1, 2014, no police department officer
11 or employee authorized to carry a firearm shall consume any
12 alcohol while carrying a firearm or have consumed any alcohol
13 within _____ hours prior to carrying a firearm; provided that an
14 employee who is taking part in an official criminal surveillance
15 or undercover operation shall be exempt from this subsection.

16 (c) Effective July 1, 2014, no police department officer
17 or employee authorized to carry a firearm shall carry a firearm
18 after ingesting any prescription medication that would impair
19 the judgment or physical response of the officer or employee
20 while carrying a firearm; provided that an employee who is
21 taking part in an official criminal surveillance or undercover
22 operation shall be exempt from this subsection."



1 SECTION 6. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval.



Report Title:

Firearms; Law Enforcement Officers; Alcohol; Prescription Medications

Description:

Prohibits state and county law enforcement officers who are authorized to carry firearms from consuming alcohol or ingesting prescription medications that would impair the judgment or physical response of the employee while carrying a firearm; provided that employees who are taking part in an official criminal surveillance or undercover operation shall be exempt from this requirement. Prohibits these employees from consuming alcohol for an unspecified number of hours prior to carrying a firearm. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

