

JAN 23 2015

A BILL FOR AN ACT

RELATING TO A LAW ENFORCEMENT STANDARDS BOARD.

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

1 SECTION 1. It is the role of the State to oversee and
2 regulate professions and occupations that have a significant
3 impact on society. Law enforcement is an area where more should
4 be done by the State to provide standards and uniformity
5 statewide, as the State did recently through a law to regulate
6 private security guards.

7 Given the immense authority that the State and counties
8 grant to police, sheriffs, and other law enforcement officers,
9 including the power to search, arrest, and use deadly force, the
10 State must enact a law that certifies law enforcement officers
11 to ensure the highest standards of professionalism and
12 uniformity of standards throughout our islands.

13 Hawaii is the only state in the country without any state-
14 level regulation of police. Regulation is left to the counties.
15 Furthermore, Hawaii does not have any procedure for revoking a
16 police officer's certification for serious misconduct.



1 (3) An employee of the department of transportation or the
2 department of land and natural resources who is
3 conferred by law with general police powers.

4 **§ -2 Creation of law enforcement standards board;**

5 **composition.** (a) There is created in the department of the
6 attorney general, for administrative purposes only, the law
7 enforcement standards board, which shall consist of eleven
8 voting members as follows:

9 (1) Three members with significant law enforcement
10 experience shall be appointed by the governor, in
11 accordance with section 26-34;

12 (2) Two members who are retired judges or retired judicial
13 officers shall be appointed by the governor, in
14 accordance with section 26-34;

15 (3) Two members who are educators or personnel at a Hawaii
16 institution of higher education with significant law
17 enforcement or criminal justice knowledge shall be
18 appointed by the governor, in accordance with section
19 26-34; and



1 (4) One member shall be appointed by each of the mayors of
2 the counties of Hawaii, Kauai, and Maui and the city
3 and county of Honolulu.

4 (b) The terms of the members shall be four years, and no
5 person shall be appointed consecutively to more than two terms;
6 provided that membership on the board shall not exceed eight
7 consecutive years, in accordance with section 26-34.

8 (c) Six members of the board shall constitute a quorum,
9 and a quorum may exercise all the power and authority conferred
10 on the board.

11 (d) The board shall select a chairperson and vice
12 chairperson from among its members.

13 (e) The public members of the board shall receive no
14 salary but shall be entitled to reimbursement for necessary
15 expenses, including travel expenses.

16 **§ -3 Powers.** The board shall have the following powers:

17 (1) Adopt rules in accordance with chapter 91 to implement
18 this chapter;

19 (2) Establish minimum standards for employment as a law
20 enforcement officer and certify persons to be
21 qualified as law enforcement officers;



- 1 (3) Establish minimum criminal justice curriculum
- 2 requirements for basic, specialized, and in-service
- 3 courses and programs for schools operated by or for
- 4 the State or a county for the specific purpose of
- 5 training law enforcement officers;
- 6 (4) Consult and cooperate with the counties, agencies of
- 7 the State, other governmental agencies, universities,
- 8 colleges, and other institutions concerning the
- 9 development of law enforcement officer training
- 10 schools and programs of criminal justice instruction;
- 11 (5) Employ, subject to chapter 76, an administrator and
- 12 other persons necessary to carry out the board's
- 13 duties under this chapter;
- 14 (6) Investigate when there is reason to believe that a law
- 15 enforcement officer does not meet the minimum
- 16 standards for employment and, in so doing, may
- 17 subpoena persons, books, records, or documents related
- 18 to the investigation and require answers in writing
- 19 under oath;
- 20 (7) Establish and require participation in continuing
- 21 education programs for law enforcement officers;

- 1 (8) Charge and collect fees from candidates seeking
- 2 certification as a law enforcement officer; and
- 3 (9) Investigate any allegations of wrongdoing, criminal
- 4 activity, or questionable operations involving any
- 5 state or county law enforcement agency or law
- 6 enforcement officer and, in so doing, may subpoena
- 7 persons, books, records, or documents related to the
- 8 investigation and require answers in writing under
- 9 oath. Any findings and information may be shared with
- 10 the appropriate county or state commission, board, or
- 11 agency.

12 **§ -4 Law enforcement standards board special fund;**
13 **established.** There is established in the state treasury the law
14 enforcement standards board special fund. The revenues of the
15 special fund shall consist of appropriations made by the
16 legislature, fees charged by the board, grants, gifts, and
17 interest on moneys deposited in the special fund. The special
18 fund shall be used to defray the expenses of the board in
19 implementing this chapter.

20 **§ -5 Training programs.** The board shall establish and
21 maintain law enforcement training programs through agencies and



1 institutions deemed appropriate by the board to certify
2 candidates.

3 **§ -6 Standards.** (a) No person may be appointed or
4 hired as a law enforcement officer unless the person:

5 (1) Has satisfactorily completed a basic program of law
6 enforcement training approved by the board; and

7 (2) Possesses other qualifications that the board has
8 established for the employment of law enforcement
9 officers, including minimum age, education, physical
10 and mental standards, citizenship, good conduct, moral
11 character, and experience.

12 (b) The board shall issue a certificate evidencing
13 satisfaction of the requirements of this section to a candidate
14 who satisfies the requirements of subsection (a) or
15 satisfactorily completes a program or course of instruction in
16 another jurisdiction equivalent in content and quality to that
17 required under subsection (a).

18 (c) The board may deny or revoke the certificate of a
19 candidate or law enforcement officer who fails to meet or
20 maintain the standards required under subsection (a).



1 (d) The board may deny or revoke the certificate of a
2 candidate or law enforcement officer who has been involved in an
3 act of criminal misconduct.

4 § -7 **Employment of law enforcement officers.** (a)

5 Except as provided under subsection (b), beginning on January 1,
6 2018, no person shall be appointed or hired as a law enforcement
7 officer by any county police department, the department of
8 public safety, the department of transportation, or the
9 department of land and natural resources, unless the person has
10 a valid certificate issued by the board under section -6.

11 (b) This section shall not apply to a person employed on a
12 probationary basis, except that employment on a probationary
13 basis may not exceed the period authorized for probationary
14 employment as determined by the board.

15 (c) Beginning December 31, 2017, existing law enforcement
16 officers shall have two years to obtain a valid certificate
17 issued by the board under section -6. In-service training
18 shall be used to meet the law enforcement training requirements
19 established under section -6."

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so



1 much thereof as may be necessary for fiscal year 2015-2016 and
2 the same sum or so much thereof as may be necessary for fiscal
3 year 2016-2017 for deposit into the law enforcement standards
4 board special fund.

5 SECTION 4. There is appropriated out of the law
6 enforcement standards board special fund the sum of \$
7 or so much thereof as may be necessary for fiscal year 2015-2016
8 and the same sum or so much thereof as may be necessary for
9 fiscal year 2016-2017 for the purposes of this Act.

10 The sums appropriated shall be expended by the department
11 of the attorney general for the purposes of this Act.

12 SECTION 5. All rights, powers, functions, and duties of
13 the department of land and natural resources, the department of
14 transportation, the department of public safety, and the police
15 departments of the several counties relating to law enforcement
16 standards are transferred to the department of the attorney
17 general.

18 All officers and employees whose functions are transferred
19 by this Act shall be transferred with their functions and shall
20 continue to perform their regular duties upon their transfer
21 subject to the state personnel laws and this Act.



1 No officer or employee of the State or county having tenure
2 shall suffer any loss of salary, seniority, prior service
3 credit, vacation, sick leave, or other employee benefit or
4 privilege as a consequence of this Act, and such officer or
5 employee may be transferred or appointed to a civil service
6 position without the necessity of examination; provided that the
7 officer or employee possesses the minimum qualifications for the
8 position to which transferred or appointed; and provided that
9 subsequent changes in status may be made pursuant to applicable
10 civil service and compensation laws.

11 An officer or employee of the State or county who does not
12 have tenure and who may be transferred or appointed to a civil
13 service position as a consequence of this Act shall become a
14 civil service employee without the loss of salary, seniority,
15 prior service credit, vacation, sick leave, or other employee
16 benefits or privileges and without the necessity of examination;
17 provided that the officer or employee possesses the minimum
18 qualification for the position to which transferred or
19 appointed.

20 If an office or position held by an officer or employee
21 having tenure is abolished, the officer or employee shall not



1 thereby be separated from public employment, but shall remain in
2 the employment of the State or county with the same pay and
3 classification and shall be transferred to some other office or
4 position for which the officer or employee is eligible under the
5 personnel laws of the State or applicable county as determined
6 by the head of the department or the governor.

7 SECTION 6. All appropriations, records, equipment,
8 machines, files, supplies, contracts, books, papers, documents,
9 maps, and other personal property heretofore made, used,
10 acquired, or held by the department of land and natural
11 resources, the department of public safety, the department of
12 transportation, and the police departments of the several
13 counties relating to the functions transferred to the department
14 of the attorney general shall be transferred with the functions
15 to which they relate.

16 SECTION 7. All rules, policies, procedures, guidelines,
17 and other material adopted or developed by the department of
18 land and natural resources, the department of public safety, the
19 department of transportation, and the police departments of the
20 several counties to implement provisions of the Hawaii Revised
21 Statutes which are reenacted or made applicable to the



1 department of the attorney general by this Act, shall remain in
 2 full force and effect until amended or repealed by the
 3 department of the attorney general pursuant to chapter 91,
 4 Hawaii Revised Statutes. In the interim, every reference to the
 5 department of land and natural resources, the department of
 6 public safety, the department of transportation, and a police
 7 department of any of the several counties or the chairperson of
 8 the board of land and natural resources, the director of public
 9 safety, the director of transportation, or the chief of police
 10 of any of the several counties in those rules, policies,
 11 procedures, guidelines, and other material is amended to refer
 12 to the department of the attorney general or the attorney
 13 general as appropriate.

14 SECTION 8. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 9. This Act shall take effect on July 1, 2015.

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Report Title:

Law Enforcement Standards Board; Special Fund; Appropriations

Description:

Establishes a law enforcement standards board for the certification of county police officers, state public safety officers, and employees of the departments of transportation and land and natural resources with police powers. Beginning on 1/1/2018, prohibits appointment or hiring of these officers unless certified by the law enforcement standards board. Establishes a special fund.

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