

JAN 22 2016

A BILL FOR AN ACT

RELATING TO AERONAUTICS.

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

1 SECTION 1. Section 261-17, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "§261-17 Enforcement of laws. (a) The director of
4 transportation, officers, and employees of the department of
5 transportation, and every state and county officer charged with
6 the enforcement of state laws and ordinances, shall enforce and
7 assist in the enforcement of this chapter and of all rules and
8 orders issued pursuant thereto and of all other laws of the
9 State; and in that connection each of the persons may inspect
10 and examine at reasonable hours any premises, and the buildings
11 and other structures thereon, where airports, air navigation
12 facilities, or other aeronautical activities are operated or
13 conducted. In aid of the enforcement of this chapter, the rules
14 and orders issued pursuant thereto, and all other laws of the
15 State, the powers of police officers are conferred upon the
16 director, and ~~[such of the]~~ officers, employees, agents, and
17 representatives of the department as may be designated by the



1' director to exercise such powers, including the power to serve
2 and execute warrants and arrest offenders, and the power to
3 serve notices and orders[-]; provided that in conferring police
4 powers upon designated employees, agents, and representatives of
5 the department, the director shall provide written notice in
6 advance of the effective date of the designation to the
7 president of the senate, speaker of the house of
8 representatives, and attorney general; provided further that the
9 notice shall include a summary of the plan to be implemented in
10 connection with the designation.

11 For the purposes of this subsection the term "agents and
12 representatives" includes persons performing services at
13 airports under contract with the department.

14 (b) No person shall provide or be hired to provide armed
15 security services at airports within the State without first
16 submitting [statements] each of the following:

17 (1) Statements signed under penalty of false swearing by
18 the person indicating whether the person has ever been
19 convicted of a crime which, by law, would preclude the
20 person from carrying or using a firearm in the course
21 of the person's employment, including a felony



1 conviction in the State or elsewhere, and providing
2 consent to the department to have a criminal history
3 record check conducted by the Federal Bureau of
4 Investigation to obtain criminal history record
5 information[. ~~The person shall also be~~
6 ~~fingerprinted~~];

7 (2) Fingerprints for the purpose of a Federal Bureau of
8 Investigation criminal history record check. The
9 Hawaii criminal justice data center may also assess
10 the existing providers of armed security services at
11 airports within the State, or their employees or
12 applicants for employment, or any applicant for
13 employment to provide armed security services at
14 airports within the State, a reasonable fee for each
15 criminal history record check performed by the Federal
16 Bureau of Investigation[-]; and

17 (3) Proof of proper education, experience, training, and
18 credentials as determined by the sheriff division of
19 the department of public safety.

20 (c) The director shall report annually to the legislature,
21 no later than January 10 of each calendar year, stating the



S.B. NO. 2303

1 number of individuals conferred police powers in the immediate
 2 preceding calendar year, the location where these individuals
 3 work, and the number of individuals having police powers who
 4 continue to work in that capacity at the end of that calendar
 5 year.

6 [~~e~~] (d) The department may, in the name of the State,
 7 enforce this chapter and the rules and orders issued pursuant
 8 thereto by injunction or other legal process in the courts of
 9 the State."

10 SECTION 2. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect upon its approval.

13

INTRODUCED BY: Will Eyo



S.B. NO. 2303

Report Title:

Transportation; Aeronautics; Police Powers; Airport Security

Description:

Requires the director of transportation to provide ninety days written notice to the legislature and attorney general prior to conferring police powers upon designated employees, agents, representatives of the department, and private contractors. Requires persons providing or hired to provide armed security services at airports to provide proof of proper education, experience, training, and credentials as determined by the sheriff division prior to hiring. Requires the director to report annually to the legislature, no later than January 10 of each calendar year, stating the number of individuals conferred police powers in the immediate preceding calendar year, the location where these individuals work, and the number of individuals having police powers who continue to work in that capacity at the end of that calendar year.

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