
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that it is the role of
2 the State to oversee and regulate those professions and
3 occupations that have a significant impact on society. The
4 Hawaii Revised Statutes regulate private security guards. Law
5 enforcement is another area in which the State should do more to
6 provide statewide standards and uniformity.

7 The legislature further finds that the State and counties
8 grant to police, sheriffs, and other law enforcement officers
9 immense powers, such as the authority to search, arrest, and use
10 deadly force. Hawaii is the only state in the country without
11 any state-level regulation of police. Regulation is left to the
12 counties. Hawaii is only one of a handful of states that does
13 not establish minimum standards required to be a police officer
14 and does not have any procedure for revoking a police officer's
15 certification for serious misconduct.

16 The legislature further finds that the consequences of a
17 lack of statewide oversight of police are a matter of serious
18 public concern. Several recent incidents have highlighted a



1 need for greater oversight. For example, a former Honolulu
2 police officer was recently sentenced to prison for using
3 unreasonable force to violate the civil rights of two men. In
4 another incident, a Honolulu police sergeant was caught on video
5 engaged in a violent physical fight in public with the police
6 sergeant's girlfriend. In yet another example, the former chief
7 of police of the city and county of Honolulu faces federal
8 prosecution for alleged criminal violations. Numerous local
9 media stories have reported on the Honolulu police commission's
10 lack of power to implement meaningful disciplinary actions for
11 its police officers.

12 The legislature further finds that the State must enact a
13 law that certifies law enforcement officers to ensure the
14 highest standards of professionalism, uniformity of standards,
15 and accountability throughout our islands.

16 The purpose of this Act is to establish a law enforcement
17 standards board for the certification of county police officers,
18 state public safety officers, and employees of the departments
19 of transportation, land and natural resources, attorney general,
20 and taxation with police powers.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 LAW ENFORCEMENT STANDARDS

6 § -1 Definitions. As used in this chapter, unless the
7 context clearly indicates otherwise:

8 "Board" means the law enforcement standards board.

9 "Law enforcement officer" means:

- 10 (1) A police officer employed by a county police
- 11 department;
- 12 (2) A public safety officer employed by the department of
- 13 public safety; or
- 14 (3) An employee of the department of transportation,
- 15 department of land and natural resources, department
- 16 of taxation, or department of the attorney general who
- 17 is conferred by law with general police powers.

18 § -2 Law enforcement standards board; establishment.

19 (a) There is established the law enforcement standards board
20 within the department of the attorney general for administrative
21 purposes only. The purpose of the board shall be to provide



1 programs and standards for training and certification of law
2 enforcement officers. The law enforcement standards board shall
3 consist of the following voting members: nine ex officio
4 individuals, two law enforcement officers, and four members of
5 the public.

6 (1) The nine ex officio members of the board shall consist
7 of the:

8 (A) Attorney general;

9 (B) Director of public safety;

10 (C) Director of transportation or the director's
11 designee;

12 (D) Chairperson of the board of land and natural
13 resources or chairperson's designee;

14 (E) Director of taxation or the director's designee;
15 and

16 (F) Chiefs of police of the four counties;

17 (2) The two law enforcement officers shall each have at
18 least ten years of experience as a law enforcement
19 officer and shall be appointed by the governor; and

20 (3) The four members of the public shall consist of one
21 member of the public from each of the four counties



1 and shall be appointed by the governor. At least two
2 of the four members of the public holding a position
3 on the board at any given time shall:

4 (A) Possess a master's or doctorate degree related to
5 criminal justice;

6 (B) Possess a law degree and have experience:

7 (i) Practicing in Hawaii as a deputy attorney
8 general, a deputy prosecutor, deputy public
9 defender, or private criminal defense
10 attorney; or

11 (ii) Litigating constitutional law issues in
12 Hawaii;

13 (C) Be a recognized expert in the field of criminal
14 justice, policing, or security; or

15 (D) Have work experience in a law enforcement
16 capacity; provided that experience in a county
17 police department shall not itself be sufficient
18 to qualify under this paragraph.

19 (b) The law enforcement officers and the members of the
20 public on the board shall serve for a term of three years,



1 provided that the initial terms shall be staggered, as determined
2 by the governor.

3 (c) The law enforcement officers and the members of the
4 public on the board shall receive no salary for their duties as
5 members of the board, but shall be entitled to reimbursement for
6 expenses, including travel expenses, necessary for the
7 performance of their duties as board members.

8 § -3 Powers and duties of the board. The board shall:

- 9 (1) Adopt rules in accordance with chapter 91 to implement
10 this chapter;
- 11 (2) Establish minimum standards for employment as a law
12 enforcement officer and to certify persons to be
13 qualified as law enforcement officers;
- 14 (3) Establish criteria and standards in which a person who
15 has been denied certification, whose certification has
16 been revoked by the board, or whose certification has
17 lapsed may reapply for certification;
- 18 (4) Establish minimum criminal justice curriculum
19 requirements for basic, specialized, and in-service
20 courses and programs for schools operated by or for



1 the State or a county for the specific purpose of
2 training law enforcement officers;

3 (5) Consult and cooperate with the counties, agencies of
4 the State, other governmental agencies, universities,
5 colleges, and other institutions concerning the
6 development of law enforcement officer training
7 schools and programs of criminal justice instruction;

8 (6) Employ, subject to chapter 76, an administrator and
9 other persons necessary to carry out its duties under
10 this chapter;

11 (7) Investigate when there is reason to believe that a law
12 enforcement officer does not meet the minimum
13 standards for employment, and in so doing, may:

14 (A) Subpoena persons, books, records, or documents;

15 (B) Require answers in writing under oath to
16 questions asked by the board; and

17 (C) Take or cause to be taken depositions as needed
18 in investigations, hearings, and other
19 proceedings,
20 related to the investigation;



- 1 (8) Establish and require participation in continuing
2 education programs for law enforcement officers;
- 3 (9) Have the authority to charge and collect fees for
4 applications for certification as a law enforcement
5 officer; and
- 6 (10) Establish procedures and criteria for the revocation
7 of certification issued by the board.

8 **§ -4 Law enforcement standards board special fund;**
9 **established.** There is established in the state treasury the law
10 enforcement standards board special fund. The revenues of the
11 special fund shall consist of appropriations made by the
12 legislature, fees charged by the board, grants, gifts, and
13 interest on moneys deposited in the special fund. The special
14 fund shall be used to defray the expenses of the board.

15 **§ -5 Training programs.** The board shall establish and
16 maintain law enforcement training programs through agencies and
17 institutions deemed appropriate by the board for applications
18 for certification.

19 **§ -6 Standards; certification.** (a) No person may be
20 appointed as a law enforcement officer unless the person:



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

3 (2) Possesses other qualifications as prescribed by the
4 board for the employment of law enforcement officers,
5 including minimum age, education, physical and mental
6 standards, citizenship, good conduct, moral character,
7 and experience.

8 (b) The board shall issue a certification to an applicant
9 who meets the requirements of subsection (a) or who has
10 satisfactorily completed a program or course of instruction in
11 another jurisdiction that the board deems to be equivalent in
12 content and quality to the requirements of subsection (a).

13 (c) The board may deny or revoke the certification of an
14 applicant or law enforcement officer who fails to meet or
15 maintain the standards required under subsection (a).

16 § -7 **Employment of law enforcement officers.** (a) No
17 person shall be appointed or employed as a law enforcement
18 officer by any county police department, the department of
19 public safety, the department of transportation, the department
20 of land and natural resources, the department of taxation, or
21 the department of the attorney general, unless the person



1 possesses a valid certification issued by the board pursuant to
2 section -6(b).

3 (b) This section shall not apply to a person employed on a
4 probationary basis, except that employment on a probationary
5 basis may not exceed the period authorized for probationary
6 employment as determined by the board.

7 § -8 Revocation or denial of certification. (a) The
8 board shall adopt rules, pursuant to chapter 91, that establish
9 criteria for the denial, suspension, or revocation of a law
10 enforcement officer's certification, including upon a finding by
11 the board that the law enforcement officer:

12 (1) Knowingly falsified or omitted material information on
13 the law enforcement officer's application for training
14 or certification to the board;

15 (2) Has been convicted at any time of a felony offense
16 under the laws of this State or has been convicted of
17 a federal or out-of-state offense comparable to a
18 felony under the laws of this State; provided that if
19 a law enforcement officer was convicted of a felony
20 before being employed as a law enforcement officer,
21 and the circumstances of the prior felony conviction



1 were fully disclosed to the employer of the law
2 enforcement officer before being hired, the board may
3 revoke certification only with the agreement of the
4 employing law enforcement agency;

5 (3) Interfered with an investigation or action for denial
6 or revocation of certification by:

7 (A) Knowingly making a materially false statement to
8 the board; or

9 (B) In any matter under investigation by or otherwise
10 before the board, tampering with evidence or
11 tampering with or intimidating any witness; or

12 (4) Has taken other prohibited action as established by
13 the board, by rule.

14 (b) The board may investigate whether a law enforcement
15 officer no longer meets the standards for certification under
16 section -6(a).

17 (c) Any proceeding to revoke a certification shall be
18 conducted by the board in accordance with chapter 91.

19 § -9 **Annual report.** No later than twenty days prior to
20 the convening of each regular session, the board shall submit a
21 report to the legislature that includes:



- 1 (1) A description of the activities of the board;
- 2 (2) An accounting of the expenditures from the law
- 3 enforcement standards board special fund in the
- 4 previous fiscal year and the remaining balance of the
- 5 fund; and
- 6 (3) Recommended legislation, if any."

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$100,000 or so much
9 thereof as may be necessary for fiscal year 2018-2019 for
10 deposit into the law enforcement standards board special fund.

11 SECTION 4. There is appropriated out of the law
12 enforcement standards board special fund the sum of \$100,000 or
13 so much thereof as may be necessary for fiscal year 2018-2019
14 for the purposes of this Act.

15 The sum appropriated shall be expended by the department of
16 the attorney general for the purposes of this Act.

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 6. This Act shall take effect on July 1, 2018;
21 provided that the law enforcement standards board established



1 under this Act shall finalize its standards and certification
2 process by July 1, 2019.



Report Title:

Law Enforcement Standards Board; Police; Special Fund;
Regulation

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, Land and Natural Resources, Taxation, and Attorney General with police powers. Establishes the Law Enforcement Standards Board Special Fund. Appropriates funds. (HB2071 CD1)

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