

JAN 18 2018

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# A BILL FOR AN ACT

RELATING TO PRIVATE DETECTIVES AND GUARDS.

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

1           SECTION 1. The legislature finds that police officers are  
2 a special class of law enforcement. They receive rigorous  
3 training, are subject to direct oversight by the State, and  
4 wield broad powers to ensure the security and safety of the  
5 State and its citizens, including the powers to detain and  
6 search individuals.

7           The legislature further finds that some private security  
8 guards have expanded their role in which they serve their  
9 employer. While private security guards make a valuable  
10 contribution to the State's security, they are not police  
11 officers. It is therefore important that a citizen know whether  
12 the citizen is dealing with a private security guard or with a  
13 police officer. The legislature notes that private detectives  
14 and guards are not permitted to imply any association with a  
15 government agency.

16           Accordingly, the purpose of this Act is to clarify that  
17 private detectives and guards are prohibited from self-



1 identifying as a law enforcement officer, police, or police  
2 officer, and to require the periodic review of any insignia used  
3 by any private detectives or guards to ensure that such insignia  
4 does not lead to any confusion by the public as to the legal  
5 authority of private detectives and guards.

6 SECTION 2. Section 463-3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§463-3 Policy; powers and duties.** It is the policy of  
9 this State to protect the general public from unlawful and  
10 unethical conduct and operation of the business of private  
11 detectives and guards. In addition to any other powers and  
12 duties authorized by law, the board may adopt, amend, or repeal  
13 rules, which shall have the force and effect of law, relating to  
14 qualifications for licensing of private detectives and guards,  
15 to the conduct and operation of the businesses of such license,  
16 and to the denial, renewal, reactivation, revocation, or  
17 suspension for cause of such licenses. The board shall consult  
18 with appropriate state and federal agencies and any appropriate  
19 industry or trade organization in establishing those rules. The  
20 rules so established shall be on the basis of what the board  
21 deems best suited to the public interest. The board also shall



1 examine applicants for private detective or guard licenses,  
2 grant licenses, and revoke or suspend licenses of licensees who  
3 violate this chapter. The board also shall review and approve  
4 all badges, uniforms, forms of identification, emblems, and  
5 other accoutrements to be worn or used by a licensee or an  
6 employee of a licensee and thereafter review and approve any  
7 subsequent changes to the badges, uniforms, forms of  
8 identification, emblems, and other accoutrements. The board  
9 shall not approve any badge, uniform, form of identification,  
10 emblem, or other accoutrement that includes the words "police"  
11 or "law enforcement"."

12 SECTION 3. Section 463-11, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§463-11 Association with government not to be implied.**

15 (a) No licensee or employee of a licensee shall [use]:

16 (1) Use any designation or trade name which implies any  
17 association with any municipal, county, state, or  
18 territorial government or the federal government, or  
19 any agency thereof; [~~nor shall a licensee or employee~~  
20 ~~of any licensee wear~~]



1        (2) Wear or use any badge [øæ], uniform, equipment,  
 2        vehicle, or other accoutrement capable of being  
 3        associated with the badge [øæ], uniform, equipment,  
 4        vehicle, or other accoutrement of any law enforcement  
 5        officer employed by a government law enforcement  
 6        organization[-];

7        (3) Wear or use any badge, uniform, equipment, vehicle, or  
 8        other accoutrement including the words "police" or  
 9        "law enforcement"; or

10       (4) Use the terms "law enforcement officer", "police", or  
 11       "police officer" to self-identify as such.

12       (b) A licensee shall, before changing or modifying any  
 13       badge, uniform, equipment, vehicle, or other accoutrement used  
 14       by the licensee or one of the licensee's employees, submit the  
 15       proposed change or modification to the board for review and  
 16       receive approval from the board prior to its intended use.

17       (c) For purposes of this section, "law enforcement  
 18       officer" has the same meaning as in section 710-1000."

19       SECTION 4. Statutory material to be repealed is bracketed  
 20       and stricken. New statutory material is underscored.

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1 SECTION 5. This Act shall take effect upon its approval.

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# S.B. NO. 2058

**Report Title:**

Private Detectives; Private Guards; Law Enforcement Officers;  
Association with Government Agency Prohibited; Identification;  
Board of Private Detectives and Guards

**Description:**

Prohibits private detectives and guards from self-identifying as law enforcement officers, police, or police officers and from wearing or using any badge, uniform, equipment, vehicle, or other accoutrement capable of being associated with that of a law enforcement officer employed by a government law enforcement organization. Requires review and approval of any badge, uniform, equipment, vehicle, or other accoutrement to be used by private detectives or guards by the board of private detectives and guards.

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