A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

SECTION 1. The legislature finds that among the fifty states, Hawaii faces a unique set of threats to public safety and well-being. For example, as one of the world's most popular tourist destinations, Hawaii experiences a high incidence of property crimes. In 2016, more than $80,000,000 in property was reported stolen in the State.

The legislature also finds that Hawaii ranks number one in the nation with respect to methamphetamine-related treatment admissions. Further, 79.3 per cent of drug-related crimes in the State are related to methamphetamine abuse. The estimated cost of methamphetamine abuse in Hawaii, including costs related to incarceration, foster care, healthcare, lost employee productivity, and treatment, totals $500,000,000 annually.

The legislature further finds that Hawaii ranks tenth in the nation in drivers with a history of driving under the influence of alcohol. In fact, 3.2 per cent of Hawaii auto insurance shoppers report an arrest for driving under the
influence of an intoxicant and approximately 23.6 per cent of
those arrested for driving under the influence had one or more
prior convictions for intoxicated driving. These numbers are
especially alarming given the results of a recent survey, in
which 2.1 per cent of respondents admitted to driving while
intoxicated at least once in the past thirty days. In Hawaii, a
dangerous number of people are choosing to operate a vehicle
after having too much to drink. Due to the limited resources of
law enforcement agencies in the State and the counties, most of
these drivers are never caught.

The legislature further finds that police departments serve
a vital role in the State. In each county, police officers are
tasked with keeping our communities safe, enforcing our laws,
and preserving the peace. However, recent reports suggest that
some police departments in the State struggle to hire and retain
a full complement of officers. In January 2019, the Honolulu
police department had two hundred forty-six position vacancies.
In addition to the lack of personnel, police departments in the
State lack appropriate funding and resources. As a result,
police departments are stretched thin when addressing complex
issues that directly and profoundly impact safety and well-being in the State.

The legislature finds that federal politics on immigration and the corresponding federal requests for state and local assistance on immigration matters not only divert local law enforcement resources, but also blur the lines of accountability between local, state, and federal government entities.

Accordingly, the legislature finds that the already limited and financially-strained police resources in the State and the counties should focus first on local issues that pose the greatest threat to Hawaii's public safety, such as property crime, methamphetamine use, and incidences of intoxicated driving.

The purpose of this Act is to clearly identify Hawaii's law enforcement priorities to ensure that federal politics shall not divert Hawaii law enforcement resources and personnel from local issues that are of the greatest concern to the State.

SECTION 2. Chapter 52D, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:
§52D-1 Hawaii law enforcement priorities.  

(a) The primary objective of law enforcement agencies in the State and in each county shall be to protect the safety and well-being of the people of Hawaii by prioritizing the investigative and enforcement duties of state and county law enforcement on violations of state and county laws and any related issues that pose the most pressing concerns to the people of the State.

(b) State law enforcement officials shall prioritize local concerns rather than diverting law enforcement resources to the federal government. State law enforcement shall assist federal immigration agencies with investigation and enforcement of federal laws only after the governor declares that incidence of the following priority issues have been resolved in the State:

(1) Property crime;

(2) Methamphetamine-related crime; and

(3) Crimes of operating a vehicle under the influence of an intoxicant.

(c) County law enforcement officials shall prioritize local concerns rather than diverting law enforcement resources to the federal government. County law enforcement shall assist federal immigration agencies with investigation and enforcement
of federal laws only after the mayor of each respective county declares that the following priority issues have been resolved in the mayor's county:

(1) Property crime;
(2) Methamphetamine-related crime; and
(3) Crimes of operating a vehicle under the influence of an intoxicant.

(d) Notwithstanding any other provision of this section, state and county law enforcement officials shall assist federal immigration enforcement efforts if a federal agency:

(1) Obtains a warrant pertaining to the information it seeks; or
(2) Seeks a person charged with a felony pursuant to the Hawaii Penal Code."

SECTION 3. New statutory material is underscored.
SECTION 4. This Act shall take effect upon its approval; provided that section 2 shall take effect on January 1, 2020.
Report Title:
AG; State Sheriff; County Police; Law Enforcement Priorities

Description:
Requires state and county law enforcement agencies to prioritize local use of law enforcement resources. Requires that the governor and the county mayors declare that crimes relating to property, methamphetamine use, and operating a vehicle under the influence of an intoxicant are resolved in their respective jurisdictions before state or county law enforcement may assist with certain federal law enforcement matters. Authorizes state and county law enforcement officials to assist federal agencies possessing a warrant or when an individual has been charged with a felony under the Hawaii Penal Code.

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