

STAND. COM. REP. NO.

3694

Honolulu, Hawaii

JUN 26 2020

RE: H.B. No. 1901  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred H.B. No. 1901 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the  
comprehensive offender reentry system provides programs and  
services that result in the timely release of inmates on parole  
when the minimum term, rather than the maximum term, has been  
served by the inmate.

Your Committee received testimony in support of this measure  
from the Office of Hawaiian Affairs, Hawaii Justice Coalition,  
Community Alliance on Prisons, Hawai'i Health and Harm Reduction  
Center, and fourteen individuals.

Prior to the hearing on this measure, your Committee posted  
and made available for public review a proposed S.D. 1, which  
deletes the contents of this measure and inserts language that:

- (1) Requires the Law Enforcement Standards Board to review  
and recommend policies regarding the use of force and  
receive and investigate complaints of a law enforcement  
officer's actions or omissions that may result in  
denial, suspension, or revocation of the officer's  
certification; and



- (2) Requires the Law Enforcement Standards Board to adopt rules that establish criteria for the denial, suspension, or revocation of a law enforcement officer's certification upon a finding that the officer violated written departmental policy or used unjustified force.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation, City and County of Honolulu Department of the Prosecuting Attorney, and one individual. Your Committee received testimony in opposition to the proposed S.D.1 from the Honolulu Police Department, Hawai'i Police Department, Hawaii Association of Criminal Defense Lawyers, and two individuals. Your Committee received comments on the proposed S.D. 1 from the Office of Hawaiian Affairs.

Your Committee finds that recent events involving law enforcement officers using excessive force that resulted in the wrongful death of citizens has reignited a movement calling for extensive reform of law enforcement organizations and policies across the nation. Your Committee believes that having policies relating to the use of force will ensure the safety of officers as well as others and that standards for compliance are in effect. Your Committee further finds that to allow for more oversight and uniformity on law enforcement policies, the Legislature enacted Act 220, Session Laws of Hawaii 2018, to create a Law Enforcement Standards Board for the certification of law enforcement officers in the State. Your Committee believes that a review and update of the policies and procedures that govern the use of excessive force in the State is necessary to ensure the safety of law enforcement officers and the public. This measure will ensure that law enforcement in the State is held to a higher standard by requiring the Law Enforcement Standards Board to review and recommend policies on the use of force and receive and investigate complaints of an officer's actions.

Your Committee has amended this measure by adopting the proposed S.D. 1, and further amending the measure by:

- (1) Inserting language that includes any county Department of the Prosecuting Attorney in the definition of "law enforcement officer" for purposes of the Law Enforcement Standards Board chapter; and



- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1901, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1901, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



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CLARENCE K. NISHIHARA, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>HB 1901</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>6-25-2020</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye /	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
HARIMOTO, Breene			✓	✓
FEVELLA, Kurt			✓	
<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes