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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Section 139-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "law enforcement officer"  
3 to read as follows:

4 "Law enforcement officer" means:

- 5 (1) A police officer employed by a county police  
6 department;
- 7 (2) A public safety officer employed by the department of  
8 public safety; or
- 9 (3) An employee of the department of transportation,  
10 department of land and natural resources, department  
11 of taxation, [~~or~~] department of the attorney general,  
12 or any county department of the prosecuting attorney  
13 who is conferred by law with general police powers."

14 SECTION 2. Section 139-2, Hawaii Revised Statutes, is  
15 amended by amending subsection (a) to read as follows:

16 "(a) There is established the law enforcement standards  
17 board within the department of the attorney general for



1 administrative purposes only. The purpose of the board shall be  
2 to provide programs and standards for training and certification  
3 of law enforcement officers[-], review and recommend policies on  
4 the use of force, and receive and investigate complaints  
5 relating to a law enforcement officer's certification. The law  
6 enforcement standards board shall consist of the following  
7 voting members: nine ex officio individuals, two law  
8 enforcement officers, and four members of the public.

9 (1) The nine ex officio members of the board shall consist  
10 of the:

- 11 (A) Attorney general;
- 12 (B) Director of public safety;
- 13 (C) Director of transportation or the director's  
14 designee;
- 15 (D) Chairperson of the board of land and natural  
16 resources or chairperson's designee;
- 17 (E) Director of taxation or the director's designee;
- 18 and
- 19 (F) Chiefs of police of the four counties;



- 1           (2) The two law enforcement officers shall each have at
- 2           least ten years of experience as a law enforcement
- 3           officer and shall be appointed by the governor; and
- 4           (3) The four members of the public shall consist of one
- 5           member of the public from each of the four counties
- 6           and shall be appointed by the governor. At least two
- 7           of the four members of the public holding a position
- 8           on the board at any given time shall:
- 9           (A) Possess a master's or doctorate degree related to
- 10           criminal justice;
- 11           (B) Possess a law degree and have experience:
- 12           (i) Practicing in Hawaii as a deputy attorney
- 13           general, a deputy prosecutor, deputy public
- 14           defender, or private criminal defense
- 15           attorney; or
- 16           (ii) Litigating constitutional law issues in
- 17           Hawaii;
- 18           (C) Be a recognized expert in the field of criminal
- 19           justice, policing, or security; or
- 20           (D) Have work experience in a law enforcement
- 21           capacity; provided that experience in a county



1                    police department shall not itself be sufficient  
2                    to qualify under this paragraph."

3                    SECTION 3. Section 139-3, Hawaii Revised Statutes, is  
4 amended to read as follows:

5                    "[+]§139-3[+] Powers and duties of the board. The board  
6 shall:

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



- 1 (5) Consult and cooperate with the counties, agencies of  
2 the State, other governmental agencies, universities,  
3 colleges, and other institutions concerning the  
4 development of law enforcement officer training  
5 schools and programs of criminal justice instruction;
- 6 (6) Employ, subject to chapter 76, an administrator and  
7 other persons necessary to carry out its duties under  
8 this chapter;
- 9 (7) Review and recommend policies regarding the use of  
10 force for departments employing law enforcement  
11 officers;
- 12 [~~7~~] (8) Investigate when there is reason to believe that  
13 a law enforcement officer does not meet the minimum  
14 standards for employment, and in so doing, may:
- 15 (A) Subpoena persons, books, records, or documents;  
16 (B) Require answers in writing under oath to  
17 questions asked by the board; and  
18 (C) Take or cause to be taken depositions as needed  
19 in investigations, hearings, and other  
20 proceedings,  
21 related to the investigation;



1        (9) Receive and investigate complaints of actions or  
 2        omissions of a law enforcement officer that may result  
 3        in a denial, suspension, or revocation of the law  
 4        enforcement officer's certification under section 139-  
 5        8;

6        [~~(8)~~] (10) Establish and require participation in  
 7        continuing education programs for law enforcement  
 8        officers;

9        [~~(9)~~] (11) Have the authority to charge and collect fees  
 10        for applications for certification as a law  
 11        enforcement officer; and

12        [~~(10)~~] (12) Establish procedures and criteria for the  
 13        revocation of certification issued by the board."

14        SECTION 4. Section 139-8, Hawaii Revised Statutes, is  
 15        amended by amending subsection (a) to read as follows:

16        "(a) The board shall adopt rules, pursuant to chapter 91,  
 17        that establish criteria for the denial, suspension, or  
 18        revocation of a law enforcement officer's certification,  
 19        including upon a finding by the board that the law enforcement  
 20        officer:



- 1 (1) Knowingly falsified or omitted material information on  
2 the law enforcement officer's application for training  
3 or certification to the board;
- 4 (2) Has been convicted at any time of a felony offense  
5 under the laws of this State or has been convicted of  
6 a federal or out-of-state offense comparable to a  
7 felony under the laws of this State; provided that if  
8 a law enforcement officer was convicted of a felony  
9 before being employed as a law enforcement officer,  
10 and the circumstances of the prior felony conviction  
11 were fully disclosed to the employer of the law  
12 enforcement officer before being hired, the board may  
13 revoke certification only with the agreement of the  
14 employing law enforcement agency;
- 15 (3) Interfered with an investigation or action for denial  
16 or revocation of certification by:
- 17 (A) Knowingly making a materially false statement to  
18 the board; or
- 19 (B) In any matter under investigation by or otherwise  
20 before the board, tampering with evidence or  
21 tampering with or intimidating any witness; [~~or~~]



1        (4) Violated written policy of the department employing  
2        the officer during the time of employment;

3        (5) Used force in a manner not justified under section  
4        703-307; or

5        [~~4~~] (6) Has taken other prohibited action as established  
6        by the board, by rule."

7        SECTION 5. Statutory material to be repealed is bracketed  
8        and stricken. New statutory material is underscored.

9        SECTION 6. This Act shall take effect upon its approval.





**Report Title:**

Law Enforcement Standards Board; Complaints; Law Enforcement Officer's Certification; Rules

**Description:**

Includes any count department of the prosecuting attorney in the definition of "law enforcement officer". 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. Requires the board to adopt rules that establish criteria for 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. (SD1)

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