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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT STANDARDS BOARD.

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

1           SECTION 1. The legislature, by Act 220, Session Laws of  
2 Hawaii 2018, enacted chapter 139, Hawaii Revised Statutes, to  
3 create a law enforcement standards board for the certification  
4 of law enforcement officers, including county police officers,  
5 state public safety officers, and employees with police powers  
6 at the departments of transportation, of land and natural  
7 resources, of the attorney general, and of taxation.

8           The board is responsible for establishing minimum standards  
9 for employment as a law enforcement officer and certifying  
10 persons qualified as law enforcement officers. It is also  
11 responsible for establishing minimum criminal justice curriculum  
12 requirements for basic, specialized, and in-service courses and  
13 programs for the training of law enforcement officers. It must  
14 consult and cooperate with the counties, state agencies, other  
15 governmental agencies, universities and colleges, and other  
16 institutions, concerning the development of law enforcement  
17 officer training schools and programs. The board is also



1 responsible for regulating and enforcing the certification  
2 requirements of law enforcement officers.

3       These are important and substantial duties that require  
4 evaluation to ensure that existing legal obligations are not  
5 compromised. Before imposing new standards impacting the  
6 employment of law enforcement officers, the board must consider  
7 collective bargaining and other employment requirements. At a  
8 minimum, the board must evaluate how probationary periods,  
9 training requirements (i.e., the types of training, the number  
10 of hours of training, and the availability of training  
11 facilities), and the issuance, suspension, and revocation of  
12 certification will impact obligations already established by  
13 law.

14       Such evaluation should include consideration of the study  
15 conducted by the legislative reference bureau pursuant to Act  
16 124, Session Laws of Hawaii 2018, and any additional study  
17 necessary to determine the impact of uniform standards,  
18 certification, and training for all law enforcement. The board  
19 has determined that it will need significantly more time and  
20 funds to accomplish its mission.

21       The purpose of this Act is to:



- 1 (1) Clarify board membership requirements to facilitate
- 2 participation and representation;
- 3 (2) Enable the board to research the impact of uniform
- 4 standards, certification, and training on existing
- 5 legal requirements;
- 6 (3) Establish new and more realistic deadlines for the
- 7 completion of the board's significant
- 8 responsibilities; and
- 9 (4) Provide appropriate funds and resources to enable the
- 10 board to accomplish its mission.

11 SECTION 2. Section 139-2, Hawaii Revised Statutes, is  
 12 amended by amending subsections (a) and (b) to read as follows:

13 "(a) There is established the law enforcement standards  
 14 board within the department of the attorney general for  
 15 administrative purposes only. The purpose of the board shall be  
 16 to provide programs and standards for training and certification  
 17 of law enforcement officers. The law enforcement standards  
 18 board shall consist of the following voting members: nine ex  
 19 officio individuals [~~7~~ two] or their designees, five law  
 20 enforcement officers, and four members of the public.



- 1 (1) The nine ex officio members of the board shall consist  
2 of the:
- 3 (A) Attorney general [7] or the attorney general's  
4 designee;
- 5 (B) Director of public safety [7] or the director's  
6 designee;
- 7 (C) Director of transportation or the director's  
8 designee;
- 9 (D) Chairperson of the board of land and natural  
10 resources or the chairperson's designee;
- 11 (E) Director of taxation or the director's designee;  
12 and
- 13 (F) Chiefs of police of the four counties [7] or the  
14 designee of each of the chiefs of police;
- 15 (2) The [~~two~~] five law enforcement officers shall be from  
16 each of the four counties and one from the State,  
17 shall each have at least ten years of experience as a  
18 law enforcement officer [~~and~~], shall be appointed by  
19 the governor [7] and notwithstanding section 26-34,  
20 shall not be subject to senatorial confirmation; and



- 1           (3) The four members of the public shall consist of one  
2           member of the public from each of the four counties  
3           and shall be appointed by the governor. At least two  
4           of the four members of the public holding a position  
5           on the board at any given time shall:
- 6           (A) Possess a master's or doctorate degree related to  
7           criminal justice;
- 8           (B) Possess a law degree and have experience:
- 9                 (i) Practicing in Hawaii as a deputy attorney  
10                 general, a deputy prosecutor, a deputy  
11                 public defender, or a private criminal  
12                 defense attorney; or
- 13                 (ii) Litigating constitutional law issues in  
14                 Hawaii;
- 15           (C) Be a recognized expert in the field of criminal  
16           justice, policing, or security; or
- 17           (D) Have work experience in a law enforcement  
18           capacity[; ~~provided that experience in a county~~  
19           ~~police department shall not itself be sufficient~~  
20           ~~to qualify under this paragraph].~~



1 (b) The law enforcement officers and the members of the  
2 public on the board shall serve for a term of [~~three~~] four  
3 years[~~7~~]; provided that the initial terms shall be staggered, as  
4 determined by the governor."

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

7 "[~~+~~]§139-3[~~+~~] Powers and duties of the board. The board  
8 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 767~~] 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 (11) Consider studies relevant to the board's objectives,
- 9 including but not limited to the study that examines
- 10 consolidating the law enforcement activities and
- 11 responsibilities of various state divisions and
- 12 agencies under a single, centralized state enforcement
- 13 division or agency, conducted pursuant to Act 124,
- 14 Session Laws of Hawaii 2018; and
- 15 (12) Conduct its own study to evaluate how to efficiently
- 16 and effectively satisfy its duties in accordance with
- 17 the law."

18 SECTION 4. Act 220, Session Laws of Hawaii 2018, is  
 19 amended by amending section 6 to read as follows:

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.]~~ sections -5 through -8 of this  
3 Act shall take effect on July 1, 2023."

4 SECTION 5. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$275,000 or so much  
6 thereof as may be necessary for fiscal year 2019-2020 for  
7 deposit into the law enforcement standards board special fund.

8 SECTION 6. There is appropriated out of the law  
9 enforcement standards board special fund the sum of \$275,000 or  
10 so much thereof as may be necessary for fiscal year  
11 2019-2020 for:

12 (1) One permanent administrator position (1.0 FTE) exempt  
13 from chapter 76, Hawaii Revised Statutes, and one  
14 permanent clerical position (1.0 FTE) subject to  
15 chapter 76, Hawaii Revised Statutes; and

16 (2) Administration and operating costs of the law  
17 enforcement standards board.

18 The sum appropriated shall be expended by the law  
19 enforcement standards board.



1 SECTION 7. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun, before the effective date of this Act.

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

6 SECTION 9. This Act shall take effect on January 28, 2081.



**Report Title:**

Law Enforcement Standards Board

**Description:**

Clarifies membership and certain powers and duties of the Law Enforcement Standards Board (Board). Extends the deadline for the completion of certain Board responsibilities. Appropriates funds for an administrator position, a clerical position, and the administration and operating costs of the Board. (HB952 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

