

\_\_\_\_.B. NO. \_\_\_\_\_

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# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1           SECTION 1. Act 220, Session Laws of Hawaii 2018,  
2 established a law enforcement standards board for the  
3 certification of law enforcement officers, including county  
4 police officers, state public safety officers, and employees of  
5 the departments of transportation, land and natural resources,  
6 attorney general, and taxation with police powers.

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

.B. NO.          

1 regulating and enforcing the certification requirements of law  
2 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, including the types of training, the  
10 number 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.

19 The board has determined that it will need significantly more  
20 time and funds to accomplish its mission.

21         The purposes of this Act are to:

.B. NO.          

- 1           (1) Clarify membership requirements for the law
- 2                   enforcement standards board to facilitate
- 3                   participation and representation;
- 4           (2) Enable the board to research the impact of uniform
- 5                   standards, certification, and training on existing
- 6                   legal requirements; and
- 7           (3) Establish new deadlines for the completion of the
- 8                   board's significant responsibilities.

9           SECTION 2. Section 76-16, Hawaii Revised Statutes, is  
10 amended by amending subsection (b) to read as follows:

11           "(b) The civil service to which this chapter applies shall  
12 comprise all positions in the State now existing or hereafter  
13 established and embrace all personal services performed for the  
14 State, except the following:

- 15           (1) Commissioned and enlisted personnel of the Hawaii
- 16                   National Guard as such, and positions in the Hawaii
- 17                   National Guard that are required by state or federal
- 18                   laws or regulations or orders of the National Guard to
- 19                   be filled from those commissioned or enlisted
- 20                   personnel;
- 21           (2) Positions filled by persons employed by contract where
- 22                   the director of human resources development has

**.B. NO.**           

- 1           certified that the service is special or unique or is  
2           essential to the public interest and that, because of  
3           circumstances surrounding its fulfillment, personnel  
4           to perform the service cannot be obtained through  
5           normal civil service recruitment procedures. Any such  
6           contract may be for any period not exceeding one year;
- 7           (3) Positions that must be filled without delay to comply  
8           with a court order or decree if the director  
9           determines that recruitment through normal recruitment  
10          civil service procedures would result in delay or  
11          noncompliance, such as the Felix-Cayetano consent  
12          decree;
- 13          (4) Positions filled by the legislature or by either house  
14          or any committee thereof;
- 15          (5) Employees in the office of the governor and office of  
16          the lieutenant governor, and household employees at  
17          Washington Place;
- 18          (6) Positions filled by popular vote;
- 19          (7) Department heads, officers, and members of any board,  
20          commission, or other state agency whose appointments  
21          are made by the governor or are required by law to be  
22          confirmed by the senate;

.B. NO.          

- 1           (8) Judges, referees, receivers, masters, jurors, notaries  
2           public, land court examiners, court commissioners, and  
3           attorneys appointed by a state court for a special  
4           temporary service;
- 5           (9) One bailiff for the chief justice of the supreme court  
6           who shall have the powers and duties of a court  
7           officer and bailiff under section 606-14; one  
8           secretary or clerk for each justice of the supreme  
9           court, each judge of the intermediate appellate court,  
10          and each judge of the circuit court; one secretary for  
11          the judicial council; one deputy administrative  
12          director of the courts; three law clerks for the chief  
13          justice of the supreme court, two law clerks for each  
14          associate justice of the supreme court and each judge  
15          of the intermediate appellate court, one law clerk for  
16          each judge of the circuit court, two additional law  
17          clerks for the civil administrative judge of the  
18          circuit court of the first circuit, two additional law  
19          clerks for the criminal administrative judge of the  
20          circuit court of the first circuit, one additional law  
21          clerk for the senior judge of the family court of the  
22          first circuit, two additional law clerks for the civil

.B. NO.          

1          motions judge of the circuit court of the first  
2          circuit, two additional law clerks for the criminal  
3          motions judge of the circuit court of the first  
4          circuit, and two law clerks for the administrative  
5          judge of the district court of the first circuit; and  
6          one private secretary for the administrative director  
7          of the courts, the deputy administrative director of  
8          the courts, each department head, each deputy or first  
9          assistant, and each additional deputy, or assistant  
10         deputy, or assistant defined in paragraph (16);

11         (10) First deputy and deputy attorneys general, the  
12         administrative services manager of the department of  
13         the attorney general, one secretary for the  
14         administrative services manager, an administrator and  
15         any support staff for the criminal and juvenile  
16         justice resources coordination functions, and law  
17         clerks;

18         (11) (A) Teachers, principals, vice-principals, complex  
19         area superintendents, deputy and assistant  
20         superintendents, other certificated personnel, no  
21         more than twenty noncertificated administrative,

.B. NO.          

1 professional, and technical personnel not engaged  
2 in instructional work;

3 (B) Effective July 1, 2003, teaching assistants,  
4 educational assistants, bilingual/bicultural  
5 school-home assistants, school psychologists,  
6 psychological examiners, speech pathologists,  
7 athletic health care trainers, alternative school  
8 work study assistants, alternative school  
9 educational/supportive services specialists,  
10 alternative school project coordinators, and  
11 communications aides in the department of  
12 education;

13 (C) The special assistant to the state librarian and  
14 one secretary for the special assistant to the  
15 state librarian; and

16 (D) Members of the faculty of the University of  
17 Hawaii, including research workers, extension  
18 agents, personnel engaged in instructional work,  
19 and administrative, professional, and technical  
20 personnel of the university;

21 (12) Employees engaged in special, research, or  
22 demonstration projects approved by the governor;





.B. NO.          

1           or profession or other private employment and whose  
2           duties require only a portion of their time, if it is  
3           impracticable to ascertain or anticipate the portion  
4           of time to be devoted to the service of the State;  
5       (16) Positions of first deputies or first assistants of  
6           each department head appointed under or in the manner  
7           provided in section 6, article V, of the Hawaii State  
8           Constitution; three additional deputies or assistants  
9           either in charge of the highways, harbors, and  
10          airports divisions or other functions within the  
11          department of transportation as may be assigned by the  
12          director of transportation, with the approval of the  
13          governor; one additional deputy in the department of  
14          human services either in charge of welfare or other  
15          functions within the department as may be assigned by  
16          the director of human services; four additional  
17          deputies in the department of health, each in charge  
18          of one of the following: behavioral health,  
19          environmental health, hospitals, and health resources  
20          administration, including other functions within the  
21          department as may be assigned by the director of  
22          health, with the approval of the governor; two

.B. NO.          

1 additional deputies in charge of the law enforcement  
2 programs, administration, or other functions within  
3 the department of law enforcement as may be assigned  
4 by the director of law enforcement, with the approval  
5 of the governor; three additional deputies each in  
6 charge of the correctional institutions,  
7 rehabilitation services and programs, and  
8 administration or other functions within the  
9 department of corrections and rehabilitation as may be  
10 assigned by the director of corrections and  
11 rehabilitation, with the approval of the governor; an  
12 administrative assistant to the state librarian; and  
13 an administrative assistant to the superintendent of  
14 education;

15 (17) Positions specifically exempted from this part by any  
16 other law; provided that:

17 (A) Any exemption created after July 1, 2014, shall  
18 expire three years after its enactment unless  
19 affirmatively extended by an act of the  
20 legislature; and

**.B. NO.**           

1           (B) All of the positions defined by paragraph (9)  
2                   shall be included in the position classification  
3                   plan;

4       (18) Positions in the state foster grandparent program and  
5           positions for temporary employment of senior citizens  
6           in occupations in which there is a severe personnel  
7           shortage or in special projects;

8       (19) Household employees at the official residence of the  
9           president of the University of Hawaii;

10      (20) Employees in the department of education engaged in  
11           the supervision of students during meal periods in the  
12           distribution, collection, and counting of meal  
13           tickets, and in the cleaning of classrooms after  
14           school hours on a less than half-time basis;

15      (21) Employees hired under the tenant hire program of the  
16           Hawaii public housing authority; provided that not  
17           more than twenty-six per cent of the authority's  
18           workforce in any housing project maintained or  
19           operated by the authority shall be hired under the  
20           tenant hire program;

21      (22) Positions of the federally funded expanded food and  
22           nutrition program of the University of Hawaii that

**.B. NO.**           

- 1           require the hiring of nutrition program assistants who  
2           live in the areas they serve;
- 3       (23)   Positions filled by persons with severe disabilities  
4           who are certified by the state vocational  
5           rehabilitation office that they are able to perform  
6           safely the duties of the positions;
- 7       (24)   The sheriff;
- 8       (25)   A gender and other fairness coordinator hired by the  
9           judiciary;
- 10       (26)   Positions in the Hawaii National Guard youth and adult  
11           education programs;
- 12       (27)   In the state energy office in the department of  
13           business, economic development, and tourism, all  
14           energy program managers, energy program specialists,  
15           energy program assistants, and energy analysts;
- 16       (28)   Administrative appeals hearing officers in the  
17           department of human services;
- 18       (29)   In the Med-QUEST division of the department of human  
19           services, the division administrator, finance officer,  
20           health care services branch administrator, medical  
21           director, and clinical standards administrator;

**.B. NO.**           

- 1           (30) In the director's office of the department of human  
2                   services, the enterprise officer, information security  
3                   and privacy compliance officer, security and privacy  
4                   compliance engineer, security and privacy compliance  
5                   analyst, information technology implementation  
6                   manager, assistant information technology  
7                   implementation manager, resource manager,  
8                   community/project development director, policy  
9                   director, special assistant to the director, and  
10                  limited English proficiency project  
11                  manager/coordinator;
- 12           (31) The Alzheimer's disease and related dementia services  
13                  coordinator in the executive office on aging;
- 14           (32) In the Hawaii emergency management agency, the  
15                  executive officer, public information officer, civil  
16                  defense administrative officer, branch chiefs, and  
17                  emergency operations center state warning point  
18                  personnel; provided that for state warning point  
19                  personnel, the director shall determine that  
20                  recruitment through normal civil service recruitment  
21                  procedures would result in delay or noncompliance;

.B. NO.          

1           (33) The executive director and seven full-time  
2                    administrative positions of the school facilities  
3                    authority;

4           (34) Positions in the Mauna Kea stewardship and oversight  
5                    authority;

6           (35) In the office of homeland security of the department  
7                    of law enforcement, the statewide interoperable  
8                    communications coordinator; [~~and~~]

9           [+] (36) [+] In the social services division of the  
10                   department of human services, the business technology  
11                   analyst[-]; and

12           (37) The administrator for the law enforcement standards  
13                   board.

14           The director shall determine the applicability of this  
15 section to specific positions.

16           Nothing in this section shall be deemed to affect the civil  
17 service status of any incumbent as it existed on July 1, 1955."

18           SECTION 3. Section 139-2, Hawaii Revised Statutes, is  
19 amended by amending subsections (a) and (b) to read as follows:

20           "(a) There is established the law enforcement standards  
21 board within the department of the attorney general for  
22 administrative purposes only. The purpose of the board shall be

.B. NO.          

1 to provide programs and standards for training and certification  
2 of law enforcement officers. The law enforcement standards  
3 board shall consist of the following voting members: eight ex  
4 officio individuals [~~7~~, ~~two~~] or their designees, five law  
5 enforcement officers, and four members of the public.

6 (1) The eight ex officio members of the board shall  
7 consist of the:

8 (A) Attorney general [~~7~~] or the attorney general's  
9 designee;

10 (B) Director of law enforcement [~~7~~] or the director's  
11 designee;

12 (C) Chairperson of the board of land and natural  
13 resources or the chairperson's designee;

14 (D) Director of taxation or the director's designee;  
15 and

16 (E) Chiefs of police of the four counties [~~7~~] or the  
17 designees of each of the chiefs of police;

18 (2) The [~~two~~] five law enforcement officers shall [~~each~~]  
19 be persons other than the chiefs of police or  
20 designees described in paragraph (1) (E) and shall  
21 consist of:

**.B. NO.**           

1           (A) One county law enforcement officer from each of  
2                     the four counties; and

3           (B) One state law enforcement officer. Each law  
4                     enforcement officer described in this paragraph  
5                     shall have at least ten years of experience as a  
6                     law enforcement officer [~~and~~], shall be appointed  
7                     by the governor[+], and, notwithstanding section  
8                     26-34, shall be appointed without the advice and  
9                     consent of the senate; and

10          (3) The [~~four members of the~~] public members shall consist  
11                     of one member [~~of the public~~] from each of the four  
12                     counties [~~and~~] , each of whom shall be appointed by  
13                     the governor[-], and, notwithstanding section 26-34,  
14                     shall be appointed without the advice and consent of  
15                     the senate. At least two of the four members of the  
16                     public holding a position on the board at any given  
17                     time shall:

18           (A) Possess a master's or doctorate degree related to  
19                     criminal justice;

20           (B) Possess a law degree and have experience:

21                     (i) Practicing in Hawaii as a deputy attorney  
22                             general, a deputy prosecutor, a deputy



.B. NO.          

- 1                   public defender, or a private criminal  
2                   defense attorney; or  
3                   (ii) Litigating constitutional law issues in  
4                   Hawaii;  
5                   (C) Be a recognized expert in the field of criminal  
6                   justice, policing, or security; or  
7                   (D) Have work experience in a law enforcement  
8                   capacity[; ~~provided that experience in a county~~  
9                   ~~police department shall not itself be sufficient~~  
10                   ~~to qualify under this paragraph~~].

11           (b) The law enforcement officers and the members of the  
12 public on the board shall serve for a term of [~~three~~] four  
13 years, provided that the initial terms shall be staggered, as  
14 determined by the governor."

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

- 17           "**§139-3 Powers and duties of the board.** The board shall:  
18           (1) Adopt rules in accordance with chapter 91 to implement  
19           this chapter;  
20           (2) Establish minimum standards for employment as a law  
21           enforcement officer and to certify persons to be  
22           qualified as law enforcement officers;

.B. NO.          

- 1           (3) Establish criteria and standards in which a person who  
2           has been denied certification, whose certification has  
3           been revoked by the board, or whose certification has  
4           lapsed may reapply for certification;
- 5           (4) Establish minimum criminal justice curriculum  
6           requirements for basic, specialized, and in-service  
7           courses and programs for schools operated by or for  
8           the State or a county for the specific purpose of  
9           training law enforcement officers;
- 10          (5) Consult and cooperate with the counties, agencies of  
11          the State, other governmental agencies, universities,  
12          colleges, and other institutions concerning the  
13          development of law enforcement officer training  
14          schools and programs of criminal justice instruction;
- 15          (6) Employ~~[, subject to chapter 76,]~~ an administrator,  
16          without regard to chapter 76, and other persons  
17          necessary to carry out its duties under this chapter;
- 18          (7) Investigate when there is reason to believe that a law  
19          enforcement officer does not meet the minimum  
20          standards for employment, and in so doing, may:  
21          (A) Subpoena persons, books, records, or documents;

**.B. NO.**           

- 1           (B) Require answers in writing under oath to  
2                       questions asked by the board; and  
3           (C) Take or cause to be taken depositions as needed  
4                       in investigations, hearings, and other  
5                       proceedings,  
6                       related to the investigation;  
7           (8) Establish and require participation in continuing  
8                       education programs for law enforcement officers;  
9           (9) Have the authority to charge and collect fees for  
10                      applications for certification as a law enforcement  
11                      officer;  
12           (10) Establish procedures and criteria for the revocation  
13                      of certification issued by the board;  
14           (11) Have the authority to revoke certifications; [~~and~~]  
15           (12) Review and recommend statewide policies and procedures  
16                      relating to law enforcement, including the use of  
17                      force[~~-~~];  
18           (13) Consider studies relevant to the board's objectives,  
19                      including but not limited to the study that examines  
20                      consolidating the law enforcement activities and  
21                      responsibilities of various state divisions and  
22                      agencies under a single, centralized state enforcement

.B. NO.          

1           division or agency, conducted pursuant to Act 124,  
2           Session Laws of Hawaii 2018; and  
3       (14) Conduct its own study to evaluate how to efficiently  
4           and effectively satisfy its duties in accordance with  
5           the law."

6           SECTION 5. Section 139-6, Hawaii Revised Statutes, is  
7 amended by amending subsections (a) and (b) to read as follows:

8           "(a) No person may be appointed as a law enforcement  
9 officer after June 30, 2026, unless the person:

- 10           (1) Has satisfactorily completed a basic program of law  
11           enforcement training approved by the board;
- 12           (2) Has received training designed to minimize the use of  
13           excessive force, including legal standards, de-  
14           escalation techniques, crisis intervention tactics,  
15           mental health response, implicit bias, and first aid;  
16           and
- 17           (3) Possesses other qualifications as prescribed by the  
18           board for the employment of law enforcement officers,  
19           including minimum age, education, physical and mental  
20           standards, citizenship, good conduct, moral character,  
21           and experience.

**.B. NO.**           

1           (b) ~~[The]~~ Beginning on July 1, 2026, the board shall issue  
2 a certification to an applicant who meets the requirements of  
3 subsection (a) or who has satisfactorily completed a program or  
4 course of instruction in another jurisdiction that the board  
5 deems to be equivalent in content and quality to the  
6 requirements of subsection (a)."

7           SECTION 6. Section 139-7, Hawaii Revised Statutes, is  
8 amended to read as follows:

9           "**§139-7 Employment of law enforcement officers.** (a) No  
10 person shall be appointed or employed as a law enforcement  
11 officer by any county police department, the department of law  
12 enforcement, the department of land and natural resources, the  
13 department of taxation, or the department of the attorney  
14 general, after June 30, 2026, unless the person possesses a  
15 valid certification issued by the board pursuant to section 139-  
16 6(b).

17           (b) This section shall not apply to a person ~~[employed]~~:

18           (1) Employed on a probationary basis, except that  
19 employment on a probationary basis may not exceed the  
20 period authorized for probationary employment as  
21 determined by the board~~[.];~~ or



\_\_\_\_.B. NO.\_\_\_\_

**Report Title:**

Law Enforcement Standards Board

**Description:**

Clarifies membership and certain powers and duties of the Law Enforcement Standards Board and establishes new deadlines for the completion of board responsibilities.

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