

on JUL 9 2024

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

H.B. NO. 2352
H.D. 1
S.D. 2

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that section 139-2,
2 Hawaii Revised Statutes, established a law enforcement standards
3 board for the certification of law enforcement officers,
4 including county police officers and law enforcement officers of
5 the departments of law enforcement, land and natural resources,
6 taxation, and attorney general.

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



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; the availability of training
11 facilities; and the issuance, suspension, and revocation of
12 certification, will impact obligations already established by
13 law.

14 This 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 officers.
19 The board has determined that it will need significantly more
20 time and resources to accomplish its mission.

21 The purpose of this Act is to:



- 1 (1) Exempt the administrator of the law enforcement
2 standards board from civil service laws;
- 3 (2) Amend the membership requirements for the law
4 enforcement standards board to facilitate more
5 meaningful participation and representation;
- 6 (3) Require the board to consider studies relevant to its
7 objectives and conduct its own study on how to satisfy
8 its duties; and
- 9 (4) Establish new deadlines for the completion of the
10 board's significant responsibilities.

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

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

- 17 (1) Commissioned and enlisted personnel of the Hawaii
18 National Guard [~~as such,~~] and positions in the Hawaii
19 National Guard that are required by state or federal
20 laws or regulations or orders of the National Guard to



1 be filled from those commissioned or enlisted
2 personnel;

3 (2) Positions filled by persons employed by contract where
4 the director of human resources development has
5 certified that the service is special or unique or is
6 essential to the public interest and that, because of
7 circumstances surrounding its fulfillment, personnel
8 to perform the service cannot be obtained through
9 normal civil service recruitment procedures. Any
10 [~~such~~] contract may be for any period not exceeding
11 one year;

12 (3) Positions that must be filled without delay to comply
13 with a court order or decree if the director
14 determines that recruitment through normal recruitment
15 civil service procedures would result in delay or
16 noncompliance, such as the Felix-Cayetano consent
17 decree;

18 (4) Positions filled by the legislature or by either house
19 or any committee thereof;



- 1 (5) Employees in the office of the governor and office of
2 the lieutenant governor, and household employees at
3 Washington Place;
- 4 (6) Positions filled by popular vote;
- 5 (7) Department heads, officers, and members of any board,
6 commission, or other state agency whose appointments
7 are made by the governor or are required by law to be
8 confirmed by the senate;
- 9 (8) Judges, referees, receivers, masters, jurors, notaries
10 public, land court examiners, court commissioners, and
11 attorneys appointed by a state court for a special
12 temporary service;
- 13 (9) One bailiff for the chief justice of the supreme court
14 who shall have the powers and duties of a court
15 officer and bailiff under section 606-14; one
16 secretary or clerk for each justice of the supreme
17 court, each judge of the intermediate appellate court,
18 and each judge of the circuit court; one secretary for
19 the judicial council; one deputy administrative
20 director of the courts; three law clerks for the chief
21 justice of the supreme court, two law clerks for each



1 associate justice of the supreme court and each judge
2 of the intermediate appellate court, one law clerk for
3 each judge of the circuit court, two additional law
4 clerks for the civil administrative judge of the
5 circuit court of the first circuit, two additional law
6 clerks for the criminal administrative judge of the
7 circuit court of the first circuit, one additional law
8 clerk for the senior judge of the family court of the
9 first circuit, two additional law clerks for the civil
10 motions judge of the circuit court of the first
11 circuit, two additional law clerks for the criminal
12 motions judge of the circuit court of the first
13 circuit, and two law clerks for the administrative
14 judge of the district court of the first circuit; and
15 one private secretary for the administrative director
16 of the courts, the deputy administrative director of
17 the courts, each department head, each deputy or first
18 assistant, and each additional deputy, or assistant
19 deputy, or assistant defined in paragraph (16);
20 (10) First deputy and deputy attorneys general, the
21 administrative services manager of the department of



1 the attorney general, one secretary for the
2 administrative services manager, an administrator and
3 any support staff for the criminal and juvenile
4 justice resources coordination functions, and law
5 clerks;

6 (11) (A) Teachers, principals, vice-principals, complex
7 area superintendents, deputy and assistant
8 superintendents, other certificated personnel, no
9 more than twenty noncertificated administrative,
10 professional, and technical personnel not engaged
11 in instructional work;

12 (B) Effective July 1, 2003, teaching assistants,
13 educational assistants, [~~bilingual/bicultural~~]
14 bilingual or bicultural school-home assistants,
15 school psychologists, psychological examiners,
16 speech pathologists, athletic health care
17 trainers, alternative school work study
18 assistants, alternative school
19 [~~educational/supportive~~] educational or
20 supportive services specialists, alternative



- 1 school project coordinators, and communications
- 2 aides in the department of education;
- 3 (C) The special assistant to the state librarian and
- 4 one secretary for the special assistant to the
- 5 state librarian; and
- 6 (D) Members of the faculty of the University of
- 7 Hawaii, including research workers, extension
- 8 agents, personnel engaged in instructional work,
- 9 and administrative, professional, and technical
- 10 personnel of the university;
- 11 (12) Employees engaged in special, research, or
- 12 demonstration projects approved by the governor;
- 13 (13) (A) Positions filled by inmates, patients of state
- 14 institutions, and persons with severe physical or
- 15 mental disabilities participating in the work
- 16 experience training programs;
- 17 (B) Positions filled with students in accordance with
- 18 guidelines for established state employment
- 19 programs; and
- 20 (C) Positions that provide work experience training
- 21 or temporary public service employment that are



1 filled by persons entering the workforce or
2 persons transitioning into other careers under
3 programs such as the federal Workforce Investment
4 Act of 1998, as amended, or the Senior Community
5 Service Employment Program of the Employment and
6 Training Administration of the United States
7 Department of Labor, or under other similar state
8 programs;

9 (14) A custodian or guide at Iolani Palace, the Royal
10 Mausoleum, and Hulihee Palace;

11 (15) Positions filled by persons employed on a fee,
12 contract, or piecework basis, who may lawfully perform
13 their duties concurrently with their private business
14 or profession or other private employment and whose
15 duties require only a portion of their time, if it is
16 impracticable to ascertain or anticipate the portion
17 of time to be devoted to the service of the State;

18 (16) Positions of first deputies or first assistants of
19 each department head appointed under or in the manner
20 provided in section 6, article V, of the Hawaii State
21 Constitution; three additional deputies or assistants



1 either in charge of the highways, harbors, and
2 airports divisions or other functions within the
3 department of transportation as may be assigned by the
4 director of transportation, with the approval of the
5 governor; one additional deputy in the department of
6 human services either in charge of welfare or other
7 functions within the department as may be assigned by
8 the director of human services; four additional
9 deputies in the department of health, each in charge
10 of one of the following: behavioral health,
11 environmental health, hospitals, and health resources
12 administration, including other functions within the
13 department as may be assigned by the director of
14 health, with the approval of the governor; two
15 additional deputies in charge of the law enforcement
16 programs, administration, or other functions within
17 the department of law enforcement as may be assigned
18 by the director of law enforcement, with the approval
19 of the governor; three additional deputies each in
20 charge of the correctional institutions,
21 rehabilitation services and programs, and



1 administration or other functions within the
2 department of corrections and rehabilitation as may be
3 assigned by the director [~~of~~] of corrections and
4 rehabilitation, with the approval of the governor; an
5 administrative assistant to the state librarian; and
6 an administrative assistant to the superintendent of
7 education;

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

10 (A) Any exemption created after July 1, 2014, shall
11 expire three years after its enactment unless
12 affirmatively extended by an act of the
13 legislature; and

14 (B) All of the positions defined by paragraph (9)
15 shall be included in the position classification
16 plan;

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



- 1 (19) Household employees at the official residence of the
2 president of the University of Hawaii;
- 3 (20) Employees in the department of education engaged in
4 the supervision of students during meal periods in the
5 distribution, collection, and counting of meal
6 tickets, and in the cleaning of classrooms after
7 school hours on a less than half-time basis;
- 8 (21) Employees hired under the tenant hire program of the
9 Hawaii public housing authority; provided that [~~not~~]
10 no more than twenty-six per cent of the authority's
11 workforce in any housing project maintained or
12 operated by the authority shall be hired under the
13 tenant hire program;
- 14 (22) Positions of the federally funded expanded food and
15 nutrition program of the University of Hawaii that
16 require the hiring of nutrition program assistants who
17 live in the areas they serve;
- 18 (23) Positions filled by persons with severe disabilities
19 who are certified by the state vocational
20 rehabilitation office that they are able to perform
21 safely the duties of the positions;



- 1 (24) The sheriff;
- 2 (25) A gender and other fairness coordinator hired by the
3 judiciary;
- 4 (26) Positions in the Hawaii National Guard youth and adult
5 education programs;
- 6 (27) In the Hawaii state energy office in the department of
7 business, economic development, and tourism, all
8 energy program managers, energy program specialists,
9 energy program assistants, and energy analysts;
- 10 (28) Administrative appeals hearing officers in the
11 department of human services;
- 12 (29) In the Med-QUEST division of the department of human
13 services, the division administrator, finance officer,
14 health care services branch administrator, medical
15 director, and clinical standards administrator;
- 16 (30) In the director's office of the department of human
17 services, the enterprise officer, information security
18 and privacy compliance officer, security and privacy
19 compliance engineer, security and privacy compliance
20 analyst, information technology implementation
21 manager, assistant information technology



1 implementation manager, resource manager,
 2 [~~community/project~~] community or project development
 3 director, policy director, special assistant to the
 4 director, and limited English proficiency project
 5 [~~manager/coordinator;~~] manager or coordinator;

6 (31) The Alzheimer's disease and related dementia services
 7 coordinator in the executive office on aging;

8 (32) In the Hawaii emergency management agency, the
 9 executive officer, public information officer, civil
 10 defense administrative officer, branch chiefs, and
 11 emergency operations center state warning point
 12 personnel; provided that for state warning point
 13 personnel, the director shall determine that
 14 recruitment through normal civil service recruitment
 15 procedures would result in delay or noncompliance;

16 (33) The executive director and seven full-time
 17 administrative positions of the school facilities
 18 authority;

19 (34) Positions in the Mauna Kea stewardship and oversight
 20 authority;



1 (35) In the office of homeland security of the department
2 of law enforcement, the statewide interoperable
3 communications coordinator; ~~and~~

4 (36) In the social services division of the department of
5 human services, the business technology analyst~~(-)~~;
6 and

7 (37) The administrator for the law enforcement standards
8 board.

9 The director shall determine the applicability of this
10 section to specific positions.

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

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

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



1 enforcement officers, [~~and~~] four members of the public[~~-~~], and
2 one member selected by the union representing police officers in
3 the State; provided that:

4 (1) The eight ex officio members of the board shall
5 consist of the:

6 (A) Attorney general[+] or the attorney general's
7 designee;

8 (B) Director of law enforcement[+] or the director's
9 designee;

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

12 (D) Director of taxation or the director's designee;
13 and

14 (E) Chiefs of police of the four counties[+] or the
15 designees of each of the chiefs of police;

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

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



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

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

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

18 (B) Possess a law degree and have experience:
19 (i) Practicing in Hawaii as a deputy attorney
20 general, deputy prosecutor, deputy public



- 1 defender, or private criminal defense
- 2 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, member selected by the
12 union representing police officers in the State, and the members
13 of the public on the board shall serve for a term of [~~three~~
14 four years[~~7~~]; provided that the initial terms for the law
15 enforcement officers and the public members shall be staggered,
16 as determined by the governor."

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

19 "**§139-3 Powers and duties of the board.** The board shall:

- 20 (1) Adopt rules in accordance with chapter 91 to implement
- 21 this chapter;



- 1 (2) Establish minimum standards for employment as a law
2 enforcement officer and to certify persons to be
3 qualified as law enforcement officers;
- 4 (3) Establish criteria and standards in which a person who
5 has been denied certification, whose certification has
6 been revoked by the board, or whose certification has
7 lapsed may reapply for certification;
- 8 (4) Establish minimum criminal justice curriculum
9 requirements for basic, specialized, and in-service
10 courses and programs for schools operated by or for
11 the State or a county for the specific purpose of
12 training law enforcement officers;
- 13 (5) Consult and cooperate with the counties, agencies of
14 the State, other governmental agencies, universities,
15 colleges, and other institutions concerning the
16 development of law enforcement officer training
17 schools and programs of criminal justice instruction;
- 18 (6) Employ [~~subject to chapter 76,~~] an administrator,
19 without regard to chapter 76, and other persons
20 necessary to carry out its duties under this chapter;



- 1 (7) Investigate when there is reason to believe that a law
2 enforcement officer does not meet the minimum
3 standards for employment, and in so doing, may:
- 4 (A) Subpoena persons, books, records, or documents;
5 (B) Require answers in writing under oath to
6 questions asked by the board; and
7 (C) Take or cause to be taken depositions as needed
8 in investigations, hearings, and other
9 proceedings,
10 related to the investigation;
- 11 (8) Establish and require participation in continuing
12 education programs for law enforcement officers;
- 13 (9) Have the authority to charge and collect fees for
14 applications for certification as a law enforcement
15 officer;
- 16 (10) Establish procedures and criteria for the revocation
17 of certification issued by the board;
- 18 (11) Have the authority to revoke certifications; [and]
19 (12) Review and recommend statewide policies and procedures
20 relating to law enforcement, including the use of
21 force[-];



- 1 (13) Consider studies relevant to the board's objectives,
2 including the study that examines consolidating the
3 law enforcement activities and responsibilities of
4 various state divisions and agencies under a single,
5 centralized state enforcement division or agency,
6 conducted pursuant to Act 124, Session Laws of Hawaii
7 2018; and
- 8 (14) Conduct its own study to evaluate how to efficiently
9 and effectively satisfy its duties in accordance with
10 the law."

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

13 "(a) No person may be appointed or employed as a law
14 enforcement officer after June 30, 2026, unless the person:

- 15 (1) Has satisfactorily completed a basic program of law
16 enforcement training approved by the board;
- 17 (2) Has received training designed to minimize the use of
18 excessive force, including legal standards, de-
19 escalation techniques, crisis intervention tactics,
20 mental health response, implicit bias, and first aid;
21 and



1 (3) Possesses other qualifications as prescribed by the
2 board for the employment of law enforcement officers,
3 including minimum age, education, physical and mental
4 standards, citizenship, good conduct, moral character,
5 and experience.

6 (b) [~~The~~] Beginning on July 1, 2026, the board shall issue
7 a certification to an applicant or law enforcement officer who
8 meets the requirements of subsection (a) or who has
9 satisfactorily completed a program or course of instruction in
10 another jurisdiction that the board deems to be equivalent in
11 content and quality to the requirements of subsection (a)."

12 SECTION 6. Section 139-7, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) No person shall be appointed or employed as a law
15 enforcement officer by any county police department, the
16 department of law enforcement, the department of land and
17 natural resources, the department of taxation, or the department
18 of the attorney general[7] after June 30, 2026, unless the
19 person possesses a valid certification issued by the board
20 pursuant to section 139-6(b)."



1 SECTION 7. Act 220, Session Laws of Hawaii 2018, as
2 amended by section 5 of Act 47, Session Laws of Hawaii 2020, is
3 amended by amending section 6 to read as follows:

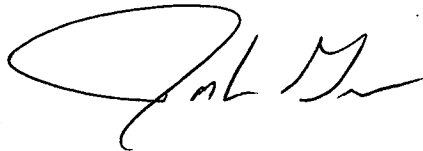
4 "SECTION 6. This Act shall take effect on July 1, 2018[~~+~~
5 ~~provided that the law enforcement standards board established~~
6 ~~under this Act shall finalize its standards and certification~~
7 ~~process by December 31, 2021]."~~

8 SECTION 8. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before the effective date of this Act.

11 SECTION 9. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 10. This Act shall take effect upon its approval.

APPROVED this 9th day of July , 2024



GOVERNOR OF THE STATE OF HAWAII

