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A BILL FOR AN ACT

RELATING TO THE LAW ENFORCEMENT STANDARDS BOARD.

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

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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
20 more time and resources to accomplish its mission. Currently,
21 there is only one full time employee dedicated to carrying out
22 all of the board's responsibilities. The board administrator

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1 was hired in October 2024. While progress has been made, it is
2 unreasonable to expect the board to accomplish all of its
3 mandates and responsibilities with a working staff of one full
4 time employee.

5 Accordingly, the purposes of this Act are to:

6 (1) Establish new deadlines for the completion of the
7 board's significant responsibilities, including law
8 enforcement officer certification; and

9 (2) Exempt newly created positions of the law enforcement
10 standards board from civil service laws.

11 SECTION 2. Section 139-3, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§139-3 Powers and duties of the board.** The board shall:

14 (1) Adopt rules in accordance with chapter 91 to implement
15 this chapter;

16 (2) Establish minimum standards for employment as a law
17 enforcement officer and to certify persons to be
18 qualified as law enforcement officers;

19 (3) Establish criteria and standards in which a person who
20 has been denied certification, whose certification has
21 been revoked by the board, or whose certification has
22 lapsed may reapply for certification;

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- (4) Establish minimum criminal justice curriculum requirements for basic, specialized, and in-service courses and programs for schools operated by or for the State or a county for the specific purpose of training law enforcement officers;
- (5) Consult and cooperate with the counties, agencies of the State, other governmental agencies, universities, colleges, and other institutions concerning the development of law enforcement officer training schools and programs of criminal justice instruction;
- (6) Employ an administrator, an administrative manager, a training and curriculum coordinator, and a lead investigative agent, without regard to chapter 76, and other persons necessary to carry out its duties under this chapter;
- (7) Investigate when there is reason to believe that a law enforcement officer does not meet the minimum standards for employment, and in so doing, may:
- (A) Subpoena persons, books, records, or documents;
- (B) Require answers in writing under oath to questions asked by the board; and

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- 1 (C) Take or cause to be taken depositions as needed
2 in investigations, hearings, and other
3 proceedings,
4 related to the investigation;
- 5 (8) Establish and require participation in continuing
6 education programs for law enforcement officers;
- 7 (9) Have the authority to charge and collect fees for
8 applications for certification as a law enforcement
9 officer;
- 10 (10) Establish procedures and criteria for the revocation
11 of certification issued by the board;
- 12 (11) Have the authority to revoke certifications;
- 13 (12) Review and recommend statewide policies and procedures
14 relating to law enforcement, including the use of
15 force;
- 16 (13) Consider studies relevant to the board's objectives,
17 including the study that examines consolidating the
18 law enforcement activities and responsibilities of
19 various state divisions and agencies under a single,
20 centralized state enforcement division or agency,
21 conducted pursuant to Act 124, Session Laws of Hawaii
22 2018; and

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1 (14) Conduct its own study to evaluate how to efficiently
2 and effectively satisfy its duties in accordance with
3 the law."

4 SECTION 3. Section 139-6, Hawaii Revised Statutes, is
5 amended by amending subsections (a) and (b) to read as follows:

6 "(a) No person may be appointed or employed as a law
7 enforcement officer after June 30, [~~2026~~] 2028, unless the
8 person:

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

21 (b) Beginning on July 1, [~~2026~~] 2028, the board shall
22 issue a certification to an applicant or law enforcement officer

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1 who meets the requirements of subsection (a) or who has
2 satisfactorily completed a program or course of instruction in
3 another jurisdiction that the board deems to be equivalent in
4 content and quality to the requirements of subsection (a)."

5 SECTION 4. Section 139-7, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) No person shall be appointed or employed as a law
8 enforcement officer by any county police department, the
9 department of law enforcement, the department of land and
10 natural resources, the department of taxation, or the department
11 of the attorney general after June 30, [~~2026,~~] 2028, unless the
12 person possesses a valid certification issued by the board
13 pursuant to section 139-6(b)."

14 SECTION 5. Section 76-16, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

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

20 (1) Commissioned and enlisted personnel of the Hawaii
21 National Guard and positions in the Hawaii National
22 Guard that are required by state or federal laws or

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- 1 regulations or orders of the National Guard to be
2 filled from those commissioned or enlisted 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 contract may be for any period not exceeding one year;
- 11 (3) Positions that must be filled without delay to comply
12 with a court order or decree if the director
13 determines that recruitment through normal recruitment
14 civil service procedures would result in delay or
15 noncompliance, such as the Felix-Cayetano consent
16 decree;
- 17 (4) Positions filled by the legislature or by either house
18 or any committee thereof;
- 19 (5) Employees in the office of the governor and office of
20 the lieutenant governor, and household employees at
21 Washington Place;
- 22 (6) Positions filled by popular vote;

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

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

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- 1 (11) (A) Teachers, principals, vice-principals, complex
2 area superintendents, deputy and assistant
3 superintendents, other certificated personnel,
4 and no more than twenty noncertificated
5 administrative, professional, and technical
6 personnel not engaged in instructional work;
7 (B) Effective July 1, 2003, teaching assistants,
8 educational assistants, bilingual or bicultural
9 school-home assistants, school psychologists,
10 psychological examiners, speech pathologists,
11 athletic health care trainers, alternative school
12 work study assistants, alternative school
13 educational or supportive services specialists,
14 alternative school project coordinators, and
15 communications aides in the department of
16 education;
17 (C) The special assistant to the state librarian and
18 one secretary for the special assistant to the
19 state librarian; and
20 (D) Members of the faculty of the university of
21 Hawaii, including research workers, extension
22 agents, personnel engaged in instructional work,

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1 and administrative, professional, and technical
2 personnel of the university;

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

5 (13) (A) Positions filled by inmates, patients of state
6 institutions, and persons with severe physical or
7 mental disabilities participating in the work
8 experience training programs;

9 (B) Positions filled with students in accordance with
10 guidelines for established state employment
11 programs; and

12 (C) Positions that provide work experience training
13 or temporary public service employment that are
14 filled by persons entering the workforce or
15 persons transitioning into other careers under
16 programs such as the federal Workforce Investment
17 Act of 1998, as amended, or the Senior Community
18 Service Employment Program of the Employment and
19 Training Administration of the United States
20 Department of Labor, or under other similar state
21 programs;

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

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

(16) Positions of first deputies or first assistants of each department head appointed under or in the manner provided in section 6, article V, of the Hawaii State Constitution; three additional deputies or assistants either in charge of the highways, harbors, and airports divisions or other functions within the department of transportation as may be assigned by the director of transportation, with the approval of the governor; one additional deputy in the department of human services either in charge of welfare or other functions within the department as may be assigned by the director of human services; four additional deputies in the department of health, each in charge

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1 of one of the following: behavioral health,
2 environmental health, hospitals, and health resources
3 administration, including other functions within the
4 department as may be assigned by the director of
5 health, with the approval of the governor; two
6 additional deputies in charge of the law enforcement
7 programs, administration, or other functions within
8 the department of law enforcement as may be assigned
9 by the director of law enforcement, with the approval
10 of the governor; three additional deputies each in
11 charge of the correctional institutions,
12 rehabilitation services and programs, and
13 administration or other functions within the
14 department of corrections and rehabilitation as may be
15 assigned by the director of corrections and
16 rehabilitation, with the approval of the governor; two
17 administrative assistants to the state librarian; and
18 an administrative assistant to the superintendent of
19 education;

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

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

5 (B) All of the positions defined by paragraph (9)
6 shall be included in the position classification
7 plan;

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

12 (19) Household employees at the official residence of the
13 president of the university of Hawaii;

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

19 (21) Employees hired under the tenant hire program of the
20 Hawaii public housing authority; provided that no more
21 than twenty-six per cent of the authority's workforce
22 in any housing project maintained or operated by the

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1 authority shall be hired under the tenant hire
2 program;

3 (22) Positions of the federally funded expanded food and
4 nutrition program of the university of Hawaii that
5 require the hiring of nutrition program assistants who
6 live in the areas they serve;

7 (23) Positions filled by persons with severe disabilities
8 who are certified by the state vocational
9 rehabilitation office that they are able to perform
10 safely the duties of the positions;

11 (24) The sheriff;

12 (25) A gender and other fairness coordinator hired by the
13 judiciary;

14 (26) Positions in the Hawaii National Guard youth and adult
15 education programs;

16 (27) In the Hawaii state energy office in the department of
17 business, economic development, and tourism, all
18 energy program managers, energy program specialists,
19 energy program assistants, and energy analysts;

20 (28) Administrative appeals hearing officers in the
21 department of human services;

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

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1 recruitment through normal civil service recruitment
2 procedures would result in delay or noncompliance;
3 (33) The executive director and seven full-time
4 administrative positions of the school facilities
5 authority;
6 (34) Positions in the Mauna Kea stewardship and oversight
7 authority;
8 (35) In the office of homeland security of the department
9 of law enforcement, the statewide interoperable
10 communications coordinator;
11 (36) In the social services division of the department of
12 human services, the business technology analyst;
13 (37) The executive director and staff of the 911 board;
14 (38) The software developer supervisor and senior software
15 developers in the department of taxation;
16 (39) In the department of law enforcement, five Commission
17 on Accreditation for Law Enforcement Agencies, Inc.,
18 coordinator positions;
19 (40) The state fire marshal and deputy state fire marshal
20 in the office of the state fire marshal;
21 (41) The administrator, the administrative manager, the
22 training and curriculum coordinator, and the lead

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1 investigative agent for the law enforcement standards
2 board;

3 (42) In the office of the director of taxation, the data
4 privacy officer and tax business analysts; and

5 [+] (43) [+] All positions filled by the Hawaii tourism
6 authority within the department of business, economic
7 development, and tourism.

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

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

12 SECTION 6. If any provision of this Act or the application
13 thereof to any person or circumstance is held invalid, the
14 invalidity does not affect other provisions or applications of
15 the Act that can be given effect without the invalid provision
16 or application, and to this end the provisions of this Act are
17 severable.

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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1 SECTION 8. This Act shall take effect upon its approval.

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3 INTRODUCED BY:

4 BY REQUEST

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Report Title:

Law Enforcement Standards Board; Law Enforcement Officer
Certification Deadline, Civil Service Exemption

Description:

Establishes new deadlines for the completion of board
responsibilities. Exempts certain positions of the Law
Enforcement Standards Board from civil service laws.

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not legislation or evidence of legislative intent.*