

JAN 23 2026

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 to certify law enforcement officers, including county
4 police officers and law enforcement officers of the departments
5 of law enforcement, land and natural resources, taxation, and
6 the 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 that a person is qualified to
10 serve as a law enforcement officer. The board is also
11 responsible for establishing certain training requirements for
12 law enforcement officers, including minimum criminal justice
13 curriculum requirements for basic, specialized, and in-service
14 courses and programs. The board is required to consult and
15 cooperate with the counties, state agencies, other governmental
16 agencies; universities and colleges; and other institutions
17 concerning the development of law enforcement officer training



1 schools and programs. The board is tasked with regulating and
2 enforcing these certification requirements.

3 The legislature recognizes that these are important and
4 substantial duties that require careful evaluation to ensure
5 that existing legal obligations are not compromised. For
6 example, before imposing new standards impacting the employment
7 of law enforcement officers, the board must consider collective
8 bargaining and other employment requirements. At a minimum, the
9 board must evaluate how probationary periods; training
10 requirements; required training hours; the availability of
11 training facilities; and the issuance, suspension, and
12 revocation of certification, will impact obligations already
13 established by law.

14 The legislature finds that this evaluation should include
15 consideration of the study conducted by the legislative
16 reference bureau pursuant to Act 124, Session Laws of Hawaii
17 2018, and any additional study necessary to determine the impact
18 of uniform standards, certification, and training for law
19 enforcement officers.

20 The law enforcement standards board has determined that it
21 will need significantly more time and resources to accomplish



1 its mission. Currently, the board has only one full-time
2 employee, a board administrator who was hired in October 2024,
3 to carry out its responsibilities. The legislature recognizes
4 that it is unreasonable to expect the board to accomplish its
5 mandates and responsibilities with a single employee.

6 The legislature finds that three additional employee
7 positions have been created and approved by the board. Given
8 the specialized nature of the board's work, security and
9 confidentiality requirements, and the need to attract
10 competitive candidates, the legislature finds that these new
11 positions, including an administrative manager, a training and
12 curriculum coordinator, and a lead investigative agent, should
13 be excluded from the State's civil service law and made exempt
14 from collective bargaining.

15 Accordingly, the purpose of this Act is to exempt the newly
16 created positions of the law enforcement standards board from
17 the civil service law and collective bargaining.

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

20 "(b) The civil service to which this chapter applies shall
21 comprise all positions in the State now existing or hereafter



1 established and embrace all personal services performed for the
2 State, except the following:

- 3 (1) Commissioned and enlisted personnel of the Hawaii
4 National Guard and positions in the Hawaii National
5 Guard that are required by state or federal laws or
6 regulations or orders of the National Guard to be
7 filled from those commissioned or enlisted personnel;
- 8 (2) Positions filled by persons employed by contract where
9 the director of human resources development has
10 certified that the service is special or unique or is
11 essential to the public interest and that, because of
12 circumstances surrounding its fulfillment, personnel
13 to perform the service cannot be obtained through
14 normal civil service recruitment procedures. Any
15 contract may be for any period not exceeding one year;
- 16 (3) Positions that must be filled without delay to comply
17 with a court order or decree if the director
18 determines that recruitment through normal recruitment
19 civil service procedures would result in delay or
20 noncompliance, such as the Felix-Cayetano consent
21 decree;



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



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



1 (10) First deputy and deputy attorneys general, the
2 administrative services manager of the department of
3 the attorney general, one secretary for the
4 administrative services manager, an administrator and
5 any support staff for the criminal and juvenile
6 justice resources coordination functions, and law
7 clerks;

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

14 (B) Effective July 1, 2003, teaching assistants,
15 educational assistants, bilingual or bicultural
16 school-home assistants, school psychologists,
17 psychological examiners, speech pathologists,
18 athletic health care trainers, alternative school
19 work study assistants, alternative school
20 educational or supportive services specialists,
21 alternative school project coordinators, and



1 communications aides in the department of
2 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 corrections and
4 rehabilitation, with the approval of the governor; two
5 administrative assistants 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 no more
10 than twenty-six per cent of the authority's workforce
11 in any housing project maintained or operated by the
12 authority shall be hired under the tenant hire
13 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, community or
2 project development director, policy director, special
3 assistant to the director, and limited English
4 proficiency project manager or coordinator;

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

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

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

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



- 1 (35) In the office of homeland security of the department
2 of law enforcement, the statewide interoperable
3 communications coordinator;
- 4 (36) In the social services division of the department of
5 human services, the business technology analyst;
- 6 (37) The executive director and staff of the 911 board;
- 7 (38) The software developer supervisor and senior software
8 developers in the department of taxation;
- 9 (39) In the department of law enforcement, five Commission
10 on Accreditation for Law Enforcement Agencies, Inc.,
11 coordinator positions;
- 12 (40) The state fire marshal and deputy state fire marshal
13 in the office of the state fire marshal;
- 14 (41) The administrator, administrative manager, training
15 and curriculum coordinator, and lead investigative
16 agent for the law enforcement standards board;
- 17 (42) In the office of the director of taxation, the data
18 privacy officer and tax business analysts; and
- 19 [+](43)[+] All positions filled by the Hawaii tourism authority
20 within the department of business, economic
21 development, and tourism.



1 The director shall determine the applicability of this
2 section to specific positions.

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

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 shall:

8 (1) Adopt rules in accordance with chapter 91 to implement
9 this chapter;

10 (2) Establish minimum standards for employment as a law
11 enforcement officer and to certify persons to be
12 qualified as law enforcement officers;

13 (3) Establish criteria and standards in which a person who
14 has been denied certification, whose certification has
15 been revoked by the board, or whose certification has
16 lapsed may reapply for certification;

17 (4) Establish minimum criminal justice curriculum
18 requirements for basic, specialized, and in-service
19 courses and programs for schools operated by or for
20 the State or a county for the specific purpose of
21 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 an administrator, an administrative manager, a
7 training and curriculum coordinator, and a lead
8 investigative agent, without regard to [~~chapter~~]
9 chapters 76[7] and 89, and other persons necessary to
10 carry out its duties under 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;
- 6 (10) Establish procedures and criteria for the revocation
7 of certification issued by the board;
- 8 (11) Have the authority to revoke certifications;
- 9 (12) Review and recommend statewide policies and procedures
10 relating to law enforcement, including the use of
11 force;
- 12 (13) Consider studies relevant to the board's objectives,
13 including the study that examines consolidating the
14 law enforcement activities and responsibilities of
15 various state divisions and agencies under a single,
16 centralized state enforcement division or agency,
17 conducted pursuant to Act 124, Session Laws of Hawaii
18 2018; and
- 19 (14) Conduct its own study to evaluate how to efficiently
20 and effectively satisfy its duties in accordance with
21 the law."



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

4

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "J. P. ...", is written over a horizontal line.



S.B. NO. 2593

Report Title:

LESB; Civil Service; Collective Bargaining; Exemption

Description:

Exempts certain positions of the Law Enforcement Standards Board from the state civil service law and collective bargaining.

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