

---

---

# A BILL FOR AN ACT

RELATING TO USE OF FORCE.

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

1 SECTION 1. Section 703-304, Hawaii Revised Statutes, is  
2 amended by amending subsection (5) to read:

3 "(5) The use of deadly force is not justifiable under this  
4 section if:

5 (a) The actor, with the intent of causing death or serious  
6 bodily injury, provoked the use of force against  
7 ~~[himself]~~ the actor in the same encounter; or

8 (b) The actor knows that ~~[he can avoid]~~ the necessity of  
9 using such force by the actor can be avoided with  
10 complete safety by retreating or by surrendering  
11 possession of a thing to a person asserting a claim of  
12 right thereto or by complying with a demand that ~~[he]~~  
13 the actor abstain from any action which ~~[he]~~ the actor  
14 has no duty to take, except that:

15 (i) The actor is not obliged to retreat from ~~[his]~~  
16 the actor's dwelling ~~[or]~~, place of work, or any  
17 other place in which the actor may lawfully be



1           present, unless [~~he~~] the actor was the initial  
2           aggressor [~~or is assailed in his place of work by~~  
3           ~~another person whose place of work the actor~~  
4           ~~knows it to be~~]; and

5           (ii) A public officer justified in using force in the  
6           performance of [~~his~~] the officer's duties, or a  
7           person justified in using force in [~~his~~]  
8           assistance of the officer, or a person justified  
9           in using force in making an arrest or preventing  
10          an escape, is not obliged to desist from efforts  
11          to perform [~~his~~] a duty, effect the arrest, or  
12          prevent the escape because of resistance or  
13          threatened resistance by or on behalf of the  
14          person against whom the action is directed."

15          SECTION 2. Statutory material to be repealed is bracketed  
16          and stricken. New statutory material is underscored.

17          SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Deadly Force; Duty to Retreat

**Description:**

Expands the exemption from the duty to retreat from the home and workplace to any place where the actor may lawfully be present. Effective July 1, 2050. (SB350 HD1)

