

JAN 26 2009

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A BILL FOR AN ACT

RELATING TO ELECTRIC GUNS.

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

1 SECTION 1. Section 134-16, Hawaii Revised Statutes, is  
2 amended by amending subsections (c) and (d) to read as follows:

3 "(c) This section shall not apply to law enforcement  
4 officers of county police [~~and sheriff~~] departments of this  
5 State, law enforcement officers of the department of public  
6 safety, and conservation and resources enforcement officers of  
7 the department of land and natural resources, or vendors  
8 providing electric guns to those entities; provided that  
9 electric guns shall at all times remain in the custody and  
10 control of the law enforcement officers of the county police [~~or~~  
11 ~~sheriff~~] departments[~~-~~], the law enforcement officers of the  
12 department of public safety, or the conservation and resources  
13 enforcement officers of the department of land and natural  
14 resources.

15 (d) The county police [~~and sheriff~~] departments of this  
16 State, the department of public safety, and the department of  
17 land and natural resources shall maintain records regarding  
18 every electric gun in their custody and control. [~~Such~~] The

1 records shall report every instance of usage of the electric  
2 guns; in particular, records shall be maintained in a similar  
3 manner as for those of discharging of firearms. The county  
4 police [~~and sheriff~~] departments, the department of public  
5 safety, and the department of land and natural resources shall  
6 annually report to the legislature regarding these records  
7 twenty days before the beginning of each session."

8 SECTION 2. The department of land and natural resources and  
9 the department of public safety shall ensure that each of their  
10 respective law enforcement officers who are authorized to use an  
11 electric gun and related equipment shall first receive training  
12 from the manufacturer or a manufacturer approved training  
13 program and by manufacturer certified or approved instructors in  
14 the use of electric guns prior to deployment of the electric  
15 guns and related equipment in public.

16 SECTION 3. In addition, the conservation and resources  
17 enforcement program of the department of land and natural  
18 resources shall pursue law enforcement accreditation or  
19 recognition from a nationally recognized law enforcement  
20 accreditation or credentialing program in the use of electric  
21 guns prior to purchasing electric guns and related equipment and

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1 obtaining training for the use of the electric guns by their law  
2 enforcement officers.

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

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

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INTRODUCED BY:

  
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BY REQUEST

**Report Title:**

Electric Guns

**Description:**

Authorizes law enforcement officers of the Department of Public Safety and conservation and resources enforcement officers of the Department of Land and Natural Resources to use electric guns and related equipment while performing their duties.

JUSTIFICATION SHEET

DEPARTMENT: Land and Natural Resources

TITLE: A BILL FOR AN ACT RELATING TO ELECTRIC GUNS.

PURPOSE: To authorize law enforcement officers of the Department of Public Safety and conservation and resources enforcement officers of the Department to use electric guns and related equipment while performing their duties.

MEANS: Amend section 134-16(c) and (d), Hawaii Revised Statutes.

JUSTIFICATION: Electric guns provide a viable alternative to the need for escalating to the use of deadly force when dealing with a combative suspect or multiple combative suspects. Electric guns deployment reduces risk and injury to both law enforcement officers and suspects alike. Electric guns have proven to be a useful tool for law enforcement throughout the United States, including Hawaii.

The departments also acknowledge the need to provide adequate training for their officers and establish internal policies governing the use of electric guns and related equipment. Both departments are committed to ensuring that law enforcement officers authorized use of a electric guns are properly trained before moving forward with electric gun deployment.

This bill would provide a less-than-lethal means to assist law enforcement officers in the performance of their duties to help them successfully and safely protect the citizens of Hawaii and our natural resources.

Impact on the public: Provides a less-than-lethal means to assist law enforcement officers to safely protect the citizens of Hawaii and our natural resources.

Impact on the department and other agencies:  
Authorizing the use of electric guns enables the law enforcement officers to perform their jobs while utilizing safe and non-lethal alternatives to conventional guns when confronted with hostile and combative suspects or perpetrators.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: LNR 405.

OTHER AFFECTED  
AGENCIES: Department of Public Safety.

EFFECTIVE DATE: Upon approval.