

1 assault, extreme psychological abuse, or malicious
2 property damage between family or household members;
3 or

4 (2) Any act which would constitute an offense under
5 section 709-906, or under part V or VI of chapter 707
6 committed against a minor family or household member
7 by an adult family or household member.

8 "Extreme psychological abuse" means an intentional or
9 knowing course of conduct directed at an individual that
10 seriously alarms or disturbs consistently or continually bothers
11 the individual, and that serves no legitimate purpose; provided
12 that such course of conduct would cause a reasonable person to
13 suffer extreme emotional distress.

14 "Family or household member" means spouses or reciprocal
15 beneficiaries, former spouses or former reciprocal
16 beneficiaries, persons who have a child in common, parents,
17 children, persons related by consanguinity, persons jointly
18 residing or formerly residing in the same dwelling unit, and
19 persons who have or have had a dating relationship.



1 "Law enforcement officer" means all positions that require
2 the possession of firearms, including a sheriff, deputy sheriff,
3 police officer, parole officer, or probation officer.

4 "Malicious property damage" means intentional or knowing
5 damage to the property of another, without consent, with an
6 intent to thereby cause emotional distress.

7 **§ -2 Domestic violence policy; adoption; implementation.**

8 (a) By January 1, 2016, every agency shall adopt and implement
9 a written policy on domestic violence committed or allegedly
10 committed by law enforcement officers of the agency that meets
11 the minimum standards specified in this section. In developing
12 its policy, each agency shall consult public and private non-
13 profit domestic violence advocates and any other organizations
14 and professions the agency finds appropriate.

15 (b) The policy shall provide due process for law
16 enforcement officers and, at a minimum, shall provide:

17 (1) Prehire screening procedures reasonably calculated to
18 disclose whether an applicant for a law enforcement
19 officer position:



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- 1 (A) Has committed or, based on credible sources, has
- 2 been accused of committing an act of domestic
- 3 violence; or
- 4 (B) Is currently or has previously been subject to
- 5 any order under chapter 586;
- 6 (2) Procedures for mandatory and immediate response to
- 7 acts or allegations of domestic violence committed or
- 8 allegedly committed by a law enforcement officer;
- 9 (3) Procedures for delivering information to a law
- 10 enforcement officer, upon the request of the law
- 11 enforcement officer or when the law enforcement
- 12 officer has been alleged to have committed an act of
- 13 domestic violence, on domestic violence prevention
- 14 programs;
- 15 (4) Procedures for mandatory and immediate reporting by
- 16 agency employees when an employee becomes aware of an
- 17 allegation of domestic violence committed or allegedly
- 18 committed by a law enforcement officer of the agency;
- 19 (5) Procedures to address reporting by an agency employee
- 20 who is the victim of domestic violence committed or
- 21 allegedly committed by a law enforcement officer;



- 1 (6) Procedures for mandatory and immediate self-reporting
2 by a law enforcement officer to the officer's
3 employing agency when the agency has responded to a
4 domestic violence call in which the law enforcement
5 officer committed or allegedly committed an act of
6 domestic violence;
- 7 (7) Procedures for mandatory and immediate self-reporting
8 by a law enforcement officer to the officer's
9 employing agency if the officer is currently or has
10 previously been subject to any order under chapter
11 586;
- 12 (8) Procedures for the initiation of prompt, separate, and
13 impartial administrative and criminal investigations
14 of acts or allegations of domestic violence committed
15 or allegedly committed by a law enforcement officer;
- 16 (9) Procedures for appropriate action to be taken during
17 an administrative or criminal investigation of acts or
18 allegations of domestic violence committed or
19 allegedly committed by a law enforcement officer;
20 provided that each agency shall develop administrative
21 procedures to determine, in a manner consistent with



1 applicable law and the agency's ability to maintain
2 public safety, whether to relieve the law enforcement
3 officer of agency-issued weapons and other agency-
4 issued property and whether to suspend the law
5 enforcement officer's power of arrest or other powers
6 pending resolution of any investigation;

7 (10) Procedures regarding the imposition of penalties or
8 disciplinary action under the policy;

9 (11) Procedures to make available to the alleged victim the
10 following information immediately upon an allegation
11 of domestic violence committed by a law enforcement
12 officer:

13 (A) The agency's written policy on domestic violence
14 committed or allegedly committed by a law
15 enforcement officer;

16 (B) Information, including but not limited to contact
17 information, about public and private non-profit
18 domestic violence advocates and services; and

19 (C) Information regarding relevant confidentiality
20 policies related to the victim's information;



1 (12) Procedures for the timely response to an alleged
2 victim's inquiries into the status of the
3 administrative investigation and the procedures the
4 agency will follow in an investigation of domestic
5 violence committed or allegedly committed by a law
6 enforcement officer;

7 (13) Procedures requiring any agency to immediately notify
8 the employing agency of a law enforcement officer when
9 the separate notifying agency becomes aware of acts or
10 allegations of domestic violence committed or
11 allegedly committed by the law enforcement officer;
12 and

13 (14) Procedures for agencies to access and share domestic
14 violence training.

15 **§ -3 Training.** (a) No later than January 1, 2016,
16 every law enforcement officer hired by an agency before July 1,
17 2015, shall be trained by the agency on the agency's policy
18 required under this chapter.

19 (b) Law enforcement officers hired by an agency on or
20 after July 1, 2015, shall, within six months of beginning



1 employment, be trained by the agency on the agency's policy
2 instituted pursuant to this chapter.

3 **§ -4 Reporting.** No later than twenty days prior to the
4 convening of each regular session beginning with the regular
5 session of 2017, every agency shall submit to the legislature
6 and governor a copy of its policy developed under this chapter,
7 any revisions to the policy, and a statement as to whether the
8 agency has complied with the training required under this
9 chapter. The submission required by this section may be
10 provided in electronic format.

11 **§ -5 Possession of a firearm after issuance of a**
12 **protective order or conviction for domestic violence.** (a) No
13 law enforcement officer shall possess a firearm when that law
14 enforcement officer is subject to a court order that:

- 15 (1) Was issued after a hearing of which the law
16 enforcement officer received actual notice and at
17 which the law enforcement officer had an opportunity
18 to participate;
- 19 (2) Restrains the law enforcement officer from harassing,
20 stalking, or threatening an intimate partner of the
21 law enforcement officer or child of an intimate



1 partner of the law enforcement officer, or engaging in
2 other conduct that would place an intimate partner in
3 reasonable fear of bodily injury to the intimate
4 partner or child;

5 (3) Includes a finding that the law enforcement officer
6 represents a credible threat to the physical safety of
7 an intimate partner or child; and

8 (4) Prohibits the use, attempted use, or threatened use of
9 physical force that would reasonably be expected to
10 cause bodily injury against an intimate partner or
11 child.

12 (b) No law enforcement officer who has been convicted in
13 any court of a misdemeanor or felony crime of domestic violence
14 shall possess a firearm unless the conviction has been expunged
15 or set aside."

16 SECTION 2. Each state and county law enforcement agency
17 subject to this Act shall provide a report to the legislature,
18 no later than twenty days prior to the convening of the regular
19 session of 2016, regarding the agency's adoption and
20 implementation of the domestic violence policy required by this
21 Act and recommendations, including recommendations for further



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1 legislation, regarding domestic violence policies for law
2 enforcement agencies in Hawaii.

3 SECTION 3. This Act shall take effect upon its approval.
4

INTRODUCED BY:

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Report Title:

Domestic Violence Policy; Law Enforcement Agencies

Description:

Requires law enforcement agencies to adopt and implement a written policy on domestic violence committed or allegedly committed by agency law enforcement officers. Establishes standards, training deadlines, administrative procedures, and reporting requirements.

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