

JAN 22 2016

---

---

# A BILL FOR AN ACT

RELATING TO POLICE.

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

1           SECTION 1. Section 703-307, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§~~703-307 Use of force in law enforcement. (1) Subject  
4 to [~~the provisions of~~] this section and [~~of~~] section 703-310,  
5 the use of force upon or toward the person of another is  
6 justifiable when the actor is making or assisting in making an  
7 arrest and the actor believes that [~~such~~] the force is  
8 immediately necessary to effect a lawful arrest.

9           (2) The use of force is not justifiable under this section  
10 unless:

11           (a) The actor makes known the purpose of the arrest or  
12 believes that it is otherwise known by or cannot  
13 reasonably be made known to the person to be arrested;  
14 and

15           (b) When the arrest is made under a warrant, the warrant  
16 is valid or believed by the actor to be valid.



1           (3) The use of deadly force is not justifiable under this  
2 section unless:

3           (a) The arrest is for a felony;

4           (b) The person effecting the arrest is authorized to act  
5 as a law enforcement officer or is assisting a person  
6 whom [he] the person effecting the arrest believes to  
7 be authorized to act as a law enforcement officer;

8           (c) The actor believes that the force employed creates no  
9 substantial risk of injury to innocent persons; and

10          (d) The actor believes that:

11           (i) The crimes for which the arrest is made involved  
12 conduct including the use or threatened use of  
13 deadly force; or

14           (ii) There is a substantial risk that the person to be  
15 arrested will cause death or serious bodily  
16 injury if his apprehension is delayed.

17          (4) The use of force to prevent the escape of an arrested  
18 person from custody is justifiable when the force could  
19 justifiably have been employed to effect the arrest under which  
20 the person is in custody, except that a guard or other person  
21 authorized to act as a law enforcement officer is justified in



1 using force [~~which he~~] that the guard or other person authorized  
2 to act as a law enforcement officer believes to be immediately  
3 necessary to prevent the escape from a detention facility.

4 (5) A private person who is summoned by a law enforcement  
5 officer to assist in effecting an unlawful arrest is justified  
6 in using any force [~~which he~~] that the private person would be  
7 justified in using if the arrest were lawful, provided that [~~he~~]  
8 the private person does not believe the arrest is unlawful. A  
9 private person who assists another private person in effecting  
10 an unlawful arrest, or who, not being summoned, assists a law  
11 enforcement officer in effecting an unlawful arrest, is  
12 justified in using any force [~~which he~~] that the person would be  
13 justified in using if the arrest were lawful, provided that [~~he~~]  
14 the person believes the arrest is lawful, and the arrest would  
15 be lawful if the facts were as [~~he~~] the person believes them to  
16 be.

17 (6) Each police department established pursuant to chapter  
18 52D shall establish an official protocol within the department  
19 regarding the investigation of incidents in which a police  
20 officer's discharge of a firearm results in the physical injury  
21 or death of a person."



# S.B. NO. 2414

1           SECTION 2. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

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

7

INTRODUCED BY:

~~Sen. Stibel~~ Sen. Stibel

Maureen F. Donohue

Mike Gabbard



# S.B. NO. 2414

**Report Title:**

Police; Officer-involved Shootings; Investigation; Protocol

**Description:**

Requires that each county police department establish a protocol for the investigation of officer-involved shootings.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

