

JAN 20 2017

A BILL FOR AN ACT

RELATING TO RACIAL PROFILING PREVENTION.

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

1 SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended
2 by adding a new section to part I to be appropriately designated
3 and to read as follows:

4 "§28- Racial profiling prevention; policy, training.

5 (a) The attorney general shall adopt a policy and implement an
6 annual training program for its investigators regarding racial
7 profiling prevention that provides and instructs that the
8 investigators shall not use a person's race or ethnicity to form
9 probable cause or reasonable suspicion to stop a vehicle but may
10 use a person's race or ethnicity to confirm a previously
11 obtained description of a suspect.

12 (b) Investigators of the department of the attorney
13 general shall not use a person's race or ethnicity to form
14 probable cause or reasonable suspicion to stop a vehicle but may
15 use a person's race or ethnicity to confirm a previously
16 obtained description of a suspect."



S.B. NO. 311

1 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§52D- Racial profiling prevention; policy, training.

5 (a) Each county shall adopt a policy and implement an annual
6 training program for its police officers regarding racial
7 profiling prevention that provides and instructs that police
8 officers shall not use a person's race or ethnicity to form
9 probable cause or reasonable suspicion to stop a vehicle but may
10 use a person's race or ethnicity to confirm a previously
11 obtained description of a suspect.

12 (b) Police officers shall not use a person's race or
13 ethnicity to form probable cause or reasonable suspicion to stop
14 a vehicle but may use a person's race or ethnicity to confirm a
15 previously obtained description of a suspect."

16 SECTION 3. Chapter 199, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§199- Racial profiling prevention; policy, training.

20 (a) The board shall adopt a policy and implement an annual
21 training program for its conservation and resources enforcement



S.B. NO. 311

1 officers regarding racial profiling prevention that provides and
2 instructs that the officers shall not use a person's race or
3 ethnicity to form probable cause or reasonable suspicion to stop
4 a vehicle but may use a person's race or ethnicity to confirm a
5 previously obtained description of a suspect.

6 (b) Conservation and resources enforcement officers shall
7 not use a person's race or ethnicity to form probable cause or
8 reasonable suspicion to stop a vehicle but may use a person's
9 race or ethnicity to confirm a previously obtained description
10 of a suspect."

11 SECTION 4. Chapter 266, Hawaii Revised Statutes, is
12 amended by adding a new section to part I to be appropriately
13 designated and to read as follows:

14 "§266- Racial profiling prevention; policy, training.

15 (a) The department of transportation shall adopt a policy and
16 implement an annual training program for its enforcement
17 officers regarding racial profiling prevention that provides and
18 instructs that the officers shall not use a person's race or
19 ethnicity to form probable cause or reasonable suspicion to stop
20 a vehicle but may use a person's race or ethnicity to confirm a
21 previously obtained description of a suspect.



1 (b) Enforcement officers of the department of
2 transportation shall not use a person's race or ethnicity to
3 form probable cause or reasonable suspicion to stop a vehicle
4 but may use a person's race or ethnicity to confirm a previously
5 obtained description of a suspect."

6 SECTION 5. Chapter 353C, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§353C- Racial profiling prevention; policy, training.

10 (a) The department shall adopt a policy and implement an annual
11 training program for its public safety officers and law
12 enforcement officers regarding racial profiling prevention that
13 provides and instructs that the officers shall not use a
14 person's race or ethnicity to form probable cause or reasonable
15 suspicion to stop a vehicle but may use a person's race or
16 ethnicity to confirm a previously obtained description of a
17 suspect.

18 (b) Public safety officers and law enforcement officers
19 shall not use a person's race or ethnicity to form probable
20 cause or reasonable suspicion to stop a vehicle but may use a



1 person's race or ethnicity to confirm a previously obtained
2 description of a suspect."

3 SECTION 6. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2017-2018 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2018-2019 for the attorney general to implement a racial
8 profiling prevention policy and program.

9 The sums appropriated shall be expended by the department
10 of the attorney general for the purposes of this Act.

11 SECTION 7. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2017-2018 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2018-2019 to:

- 16 (1) The county of Hawaii:
- 17 (2) The city and county of Honolulu:
- 18 (3) The county of Kauai: ; and
- 19 (4) The county of Maui: ,

20 for implementation of a racial profiling prevention policy and
21 program.



S.B. NO. 311

1 The sums appropriated shall be expended by each respective
2 county for the purposes of this Act.

3 SECTION 8. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2017-2018 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2018-2019 for the board of land and natural resources to
8 implement a racial profiling prevention policy and program.

9 The sums appropriated shall be expended by the department
10 of land and natural resources for the purposes of this Act.

11 SECTION 9. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2017-2018 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2018-2019 for the department of transportation to implement
16 a racial profiling prevention policy and program.

17 The sums appropriated shall be expended by the department
18 of transportation for the purposes of this Act.

19 SECTION 10. There is appropriated out of the general
20 revenues of the State of Hawaii the sum of \$ or so much
21 thereof as may be necessary for fiscal year 2017-2018 and the



S.B. NO. 311

1 same sum or so much thereof as may be necessary for fiscal year
 2 2018-2019 for the department of public safety to implement a
 3 racial profiling prevention policy and program.

4 The sums appropriated shall be expended by the department
 5 of public safety for the purposes of this Act.

6 SECTION 11. New statutory material is underscored.

7 SECTION 12. This Act shall take effect on July 1, 2017.

8

INTRODUCED BY: ~~AC. Edh. Acua~~

Kal Thal

Clarence W. Justice

Gene Meranda

Nike Gabbar



S.B. NO. 311

Report Title:

Racial Profiling Prevention; Racial Profiling Prevention Training; Appropriation

Description:

Prohibits state and county law enforcement officers from using a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle. Appropriates funds for the implementation of an annual racial profiling prevention training program for state and county law enforcement officers.

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

