

JAN 21 2022

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. The legislature finds that law enforcement
2 services are an essential government function. The legislature
3 further finds that law enforcement services are government
4 services that relate to the law because these services aim to
5 promote respect for, and compliance with, state and county laws.

6 The purpose of this Act is to require greater
7 accountability and transparency in the government's provision of
8 law enforcement services by:

9 (1) Providing that a law enforcement officer has a duty to
10 intervene if the law enforcement officer reasonably
11 believes that another law enforcement officer is using
12 or is about to use unnecessary or excessive force on
13 an arrestee;

14 (2) Requiring the intervening law enforcement officer to
15 report the incident to the other law enforcement
16 officer's supervisor; and



(3) Requiring relevant departments to submit an annual report to the legislature.

SECTION 2. Section 803-7, Hawaii Revised Statutes, is amended to read as follows:

"§803-7 Use of force[-]; duty to report excessive force.

(a) In all cases where the person arrested refuses to submit or attempts to escape, ~~[such]~~ a degree of force may be used by a law enforcement officer as is necessary to compel the person to submission.

(b) A law enforcement officer who reasonably believes that another law enforcement officer is using or is about to use on an arrestee unnecessary or excessive force that violates an applicable law or departmental policy shall have a duty to:

(1) Immediately intervene to prevent the use of unnecessary or excessive force by the law enforcement officer; provided that the intervention can be safely accomplished; and

(2) Report the incident to the law enforcement officer's supervisor as soon as practicable.

(c) Each county police department chief and relevant department director shall submit to the legislature, no later



1 than January 31 of each year, an annual report of incidents
2 reported pursuant to subsection (b). The reporting period of
3 each report shall be from January 1 to December 31 of the year
4 immediately prior to the year of the report submission. The
5 annual report shall:

6 (1) Summarize the facts and the nature of each reported
7 incident; and

8 (2) Specify the disciplinary action, if any, that was
9 imposed in connection with a reported incident.

10 (d) As used in this section, "law enforcement officer"
11 means a sheriff, deputy sheriff, police officer, enforcement
12 officer within the department of land and natural resources
13 conservation and resources enforcement program, enforcement
14 officer within the department of transportation harbors
15 division, and any other employee of a state or county public
16 body who carries a badge and firearm and has powers of arrest."

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

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



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

2

INTRODUCED BY:





S.B. NO. 2801

Report Title:

Law Enforcement Officers; Arrests; Excessive Force; Duty to Intervene

Description:

Provides that a law enforcement officer has a duty to intervene if the law enforcement officer reasonably believes that another law enforcement officer is using or is about to use unnecessary or excessive force on an arrestee. Requires the law enforcement officer to report the incident to the fellow law enforcement officer's supervisor. Requires relevant departments to submit annual reports to the Legislature.

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

