

Honolulu, Hawaii

**FEB 17 2022**

RE: S.B. No. 2801  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2801 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to require greater accountability and transparency in the government's provision of law enforcement services by:

- (1) Providing 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;
- (2) Requiring the intervening law enforcement officer to report the incident to the other law enforcement officer's supervisor; and
- (3) Requiring relevant departments to submit an annual report to the Legislature.

Your Committee received testimony in support of this measure from the Department of Transportation and two individuals. Your Committee received testimony in opposition to this measure from the State of Hawaii Organization of Police Officers.



Your Committee finds that law enforcement services are an essential government function. Law enforcement services are government services that relate to the law because these services aim to promote respect for, and compliance with, state and county laws. Your Committee believes that it is in the State's interest to mitigate any future actions of excessive force by law enforcement officers which may lead to unnecessary loss of life or harm. This measure will require greater accountability and transparency in government's provision of law enforcement services by providing that a law enforcement officer has a duty to intervene if the law enforcement officer reasonably believes that another law enforcement officer is using unnecessary or excessive force on an arrestee, requiring the intervening law enforcement officer to report the incident to the other law enforcement officer's supervisor, and requiring relevant departments to submit an annual report to the Legislature.

Your Committee has amended this measure by:

- (1) Removing language that would have required a law enforcement officer to intervene if the law enforcement officer reasonably believes that another law enforcement officer is about to use unnecessary or excessive force on an arrestee;
- (2) Amending section 1 to reflect its amended purpose; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2801, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2801, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



