

Honolulu, Hawaii

FEB 06 2023

RE: S.B. No. 372
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 372 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW,"

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 Office of the Prosecuting Attorney of the County of Kaua'i, Kauai Police Department, Honolulu Police Department,



Hawai'i Police Department, and three 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 that aim to promote respect for, and compliance with, state and county laws. Despite this, some law enforcement officers have violated the public's trust in the criminal legal system, abused their authority, and shown a blatant disregard for the sanctity of life through the unjustified use of excessive force against members of the community. Your Committee believes that lack of accountability for police misconduct undermines the integrity of the entire criminal legal system and hinders the ability of law enforcement officers to solve and prevent crime. This measure will build confidence and increase public trust in 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 law enforcement officer to report the incident to the fellow law enforcement officer's supervisor, and requiring relevant departments to submit annual reports to the Legislature.

Your Committee has amended this measure by:

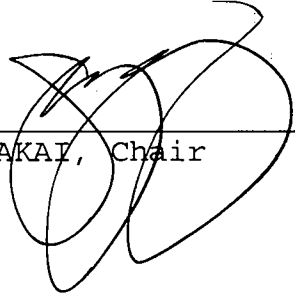
- (1) Removing language that would have required an officer to intervene if the officer reasonably believes that another is about to use unnecessary or excessive force on an arrestee;
- (2) Inserting an effective date of January 1, 2050, to encourage further discussion;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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 Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 372, as amended herein, and recommends that it pass Second Reading in the form



attached hereto as S.B. No. 372, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety and Intergovernmental and Military Affairs,



GLENN WAKAI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB372	Committee Referral: PSM, JDC	Date: 02/01/2023		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol	✓			
MCKELVEY, Angus L.K.	✓			
AWA, Brenton	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes