
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 appreciates the sanctity of
2 life, and acknowledges that vehicular pursuits are inherently
3 dangerous due to the conditions of the State's roads.
4 Accordingly, the purpose of this Act is to statutorily establish
5 statewide vehicular law enforcement pursuit policies.

6 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
7 amended by adding a new section to be appropriately designated
8 and to read as follows:

9 "§139- Vehicular pursuit. (a) No law enforcement
10 officer shall engage in a vehicular pursuit unless:

11 (1) The law enforcement officer has a reasonable suspicion
12 to believe that a person in the vehicle to be pursued
13 has committed or is committing one or more of the
14 following:

15 (A) A felony offense under chapter 707 or 708 that
16 involves physical injury to the person of
17 another;



- 1 (B) A sexual offense under part V of chapter 707;
- 2 (C) A first or second degree assault offense under
- 3 section 707-711 or 707-712 by a person operating
- 4 a vehicle:
- 5 (i) In a reckless manner;
- 6 (ii) While under the influence of an intoxicant
- 7 under section 291E-61; or
- 8 (iii) Without regard for the safety of others;
- 9 (D) The offense of abuse of family or household
- 10 members under section 709-906;
- 11 (E) The offense of escape in the first degree under
- 12 section 710-1020;
- 13 (F) The offense of escape in the second degree under
- 14 section 710-1021; or
- 15 (G) The offense of operating a vehicle under the
- 16 influence of an intoxicant under section 291E-61;
- 17 (2) The person appears to be aware that the law
- 18 enforcement officer is signaling the person to stop
- 19 the vehicle and the person appears to engage in
- 20 activities to willfully resist or ignore the law
- 21 enforcement officer's attempt to stop the vehicle,



1 including increasing vehicle speed, making evasive
2 maneuvers, or operating the vehicle in a reckless
3 manner that endangers the safety of the public or the
4 law enforcement officer;
5 (3) The vehicular pursuit is necessary to identify or
6 apprehend the person;
7 (4) The person poses a serious risk of harm to others and
8 the law enforcement officer believes that, under the
9 circumstances, the safety risks of failing to
10 apprehend or identify the person are greater than the
11 safety risks of the vehicular pursuit; and
12 (5) The pursuing law enforcement officer notifies a
13 supervising law enforcement officer immediately upon
14 initiating the vehicular pursuit; the supervising law
15 enforcement officer oversees the vehicular pursuit;
16 and the pursuing law enforcement officer, in
17 consultation with the supervising law enforcement
18 officer, considers alternatives to the vehicular
19 pursuit, the justification for the vehicular pursuit,
20 and other safety considerations, including speed,



1 weather, traffic, road conditions, and any known
2 presence of minors in the vehicle.

3 (b) In any vehicular pursuit performed under this section:

4 (1) The pursuing law enforcement officer and the
5 supervising law enforcement officer shall comply with
6 any applicable procedures for designating the primary
7 pursuit vehicle and determining the appropriate number
8 of vehicles permitted to engage in the vehicular
9 pursuit;

10 (2) Either the supervising law enforcement officer,
11 pursuing law enforcement officer, or dispatcher shall
12 notify other law enforcement agencies that may be
13 impacted by the vehicular pursuit or called upon to
14 assist with the vehicular pursuit;

15 (3) To the extent practicable, the pursuing law
16 enforcement officer shall use a common radio channel
17 or other direct means of communication to directly
18 communicate with other law enforcement officers
19 engaging in the vehicular pursuit, the supervising law
20 enforcement officer, and the dispatching law
21 enforcement agency;



1 (4) As soon as practicable after initiating a vehicular
2 pursuit, the pursuing law enforcement officer,
3 supervising law enforcement officer, or responsible
4 law enforcement agency shall develop a plan to end the
5 vehicular pursuit through the use of available pursuit
6 intervention options, techniques, or tactics approved
7 by the applicable law enforcement agency; and

8 (5) The pursuing law enforcement officer shall be
9 certified in at least one pursuit intervention option
10 and, within the two years preceding the vehicular
11 pursuit, have completed an initial emergency vehicle
12 operators course or emergency vehicle operators course
13 update, as applicable; provided that the initial
14 emergency vehicle operators course or emergency
15 vehicle operators course update shall include training
16 on performing the risk assessment analysis described
17 in subsection (a) (4).

18 (c) Any law enforcement officer engaging in a vehicular
19 pursuit that fails to satisfy the requirements of this section
20 shall terminate the pursuit.



1 (d) No law enforcement officer shall fire a weapon upon a
2 moving vehicle unless necessary to protect against an imminent
3 threat of serious physical harm resulting from the operator's or
4 a passenger's use of a deadly weapon; provided that if the
5 operator is using the vehicle as a deadly weapon, a law
6 enforcement officer shall only fire a weapon upon the vehicle if
7 no other reasonable means to avoid potential serious physical
8 harm are immediately available to the law enforcement officer.

9 (e) Each law enforcement agency shall adopt rules pursuant
10 to chapter 91 to effectuate the purposes of this section.

11 (f) As used in this section:

12 "Authorized emergency vehicle" shall have the same meaning
13 as in section 291C-1.

14 "Law enforcement agency" shall have the same meaning as in
15 section 78-52.

16 "Vehicle" shall have the same meaning as in section 286-2.

17 "Vehicular pursuit" or "pursuit" means an attempt by a law
18 enforcement officer in an authorized emergency vehicle to stop a
19 moving vehicle."



1 SECTION 3. 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 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Law Enforcement Officers; Vehicular Pursuits; Policies;
Restrictions

Description:

Establishes statewide vehicular law enforcement pursuit
policies. Effective 7/1/3000. (HD1)

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

