
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 707-710 or 707-711 by a person operating
- 4 a vehicle:
- 5 (i) In a reckless manner; or
- 6 (ii) Without regard for the safety of others;
- 7 (D) The offense of abuse of family or household
- 8 members under section 709-906;
- 9 (E) The offense of escape in the first degree under
- 10 section 710-1020;
- 11 (F) The offense of escape in the second degree under
- 12 section 710-1021; or
- 13 (G) The offense of operating a vehicle under the
- 14 influence of an intoxicant under section 291E-61;
- 15 (2) The vehicular pursuit is necessary to identify or
- 16 apprehend the person;
- 17 (3) The person poses a serious risk of harm to others and
- 18 the law enforcement officer reasonably believes that,
- 19 under the circumstances, the safety risks of failing
- 20 to identify or apprehend the person are greater than
- 21 the safety risks of the vehicular pursuit; and



1 (4) The pursuing law enforcement officer notifies a
2 supervising law enforcement officer immediately upon
3 initiating the vehicular pursuit; the supervising law
4 enforcement officer oversees the vehicular pursuit;
5 and the pursuing law enforcement officer, in
6 consultation with the supervising law enforcement
7 officer, considers alternatives to the vehicular
8 pursuit, the justification for the vehicular pursuit,
9 and other safety considerations, including speed,
10 weather, traffic, road conditions, and any known
11 presence of minors in the vehicle.

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

13 (1) The pursuing law enforcement officer and the
14 supervising law enforcement officer shall comply with
15 any applicable procedures for designating the primary
16 pursuit vehicle and determining the appropriate number
17 of vehicles permitted to engage in the vehicular
18 pursuit;

19 (2) Either the supervising law enforcement officer,
20 pursuing law enforcement officer, or dispatcher shall
21 notify other law enforcement agencies that may be



1 impacted by the vehicular pursuit or called upon to
2 assist with the vehicular pursuit;
3 (3) To the extent practicable, the pursuing law
4 enforcement officer shall use a common radio channel
5 or other direct means of communication to directly
6 communicate with other law enforcement officers
7 engaging in the vehicular pursuit, the supervising law
8 enforcement officer, and the dispatching law
9 enforcement agency;
10 (4) As soon as practicable after initiating a vehicular
11 pursuit, the pursuing law enforcement officer,
12 supervising law enforcement officer, or responsible
13 law enforcement agency shall develop a plan to end the
14 vehicular pursuit through the use of available pursuit
15 intervention options, techniques, or tactics approved
16 by the applicable law enforcement agency; and
17 (5) The pursuing law enforcement officer shall be
18 certified in at least one pursuit intervention option
19 and, within the two years preceding the vehicular
20 pursuit, have completed an initial emergency vehicle
21 operators course or emergency vehicle operators course



1 update, as applicable; provided that the initial
2 emergency vehicle operators course or emergency
3 vehicle operators course update shall include training
4 on performing the risk assessment analysis described
5 in subsection (a)(3).

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

9 (d) No law enforcement officer shall fire a weapon upon a
10 moving vehicle unless necessary to protect against an imminent
11 threat of serious physical harm resulting from the operator's or
12 a passenger's use of a deadly weapon; provided that if the
13 operator is using the vehicle as a deadly weapon, a law
14 enforcement officer shall only fire a weapon upon the vehicle if
15 no other reasonable means to avoid potential serious physical
16 harm are immediately available to the law enforcement officer.

17 (e) Each law enforcement agency shall annually furnish to
18 the department of the attorney general, in a manner defined and
19 prescribed by the department of the attorney general, a report
20 of all vehicular pursuits conducted in the prior year by law
21 enforcement officers employed by the law enforcement agency.



1 (f) Each report required under subsection (e) shall
2 include, at a minimum, the following information for each
3 vehicular pursuit:

4 (1) The reason for the pursuit, including the offense that
5 served as a basis for the pursuit;

6 (2) The date, start time, and end time of the pursuit;

7 (3) The start and end locations of the pursuit;

8 (4) A summary of the circumstances surrounding the
9 pursuit;

10 (5) Whether a body-worn camera was worn and active for the
11 duration of the pursuit;

12 (6) Whether a dashboard camera was present and active for
13 the duration of the pursuit;

14 (7) Whether the pursuit resulted in an accident, injury
15 requiring medical treatment, or death to a law
16 enforcement officer or member of the public;

17 (8) If the pursuit resulted in an accident, injury
18 requiring medical treatment, or death, a description
19 of the accident and details of each law enforcement
20 officer or member of the public injured or killed,



- 1 including the type and severity of the injuries
2 sustained by each, if any;
- 3 (9) Unique identification numbers for each pursuing and
4 supervising law enforcement officer;
- 5 (10) If a citation was issued, the violations cited;
6 (11) If an arrest was made, the offense charged; and
7 (12) Whether the law enforcement officer searched the
8 person or any property, and, if so, the type of
9 search, the basis for the search, and type of
10 contraband or evidence discovered, if any.
- 11 (g) The department of the attorney general shall make all
12 information obtained from law enforcement agencies under
13 subsection (e) publicly available on the department of the
14 attorney general's website, classified by law enforcement
15 agency, in a manner that is clear, understandable, and machine-
16 readable.
- 17 (h) Law enforcement agencies subject to subsection (e)
18 shall not report or make publicly available the name, address,
19 social security number, or other unique personal identifying
20 information of the persons pursued. Law enforcement agencies
21 are solely responsible for ensuring that personally identifying



1 information of individuals pursued is not transmitted to the
2 department of the attorney general or otherwise released to the
3 public.

4 (i) As used in this section:

5 "Authorized law enforcement vehicle" means a county law
6 enforcement vehicle, department of law enforcement vehicle, or
7 department of land and natural resources division of
8 conservation and resources enforcement vehicle authorized and
9 approved pursuant to section 291-31.5.

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

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

13 "Vehicular pursuit" or "pursuit" means an attempt by a law
14 enforcement officer in an authorized law enforcement vehicle to
15 stop a moving vehicle where the operator of the moving vehicle
16 appears to be aware that the law enforcement officer is
17 signaling the operator of the moving vehicle to stop the vehicle
18 and the operator of the moving vehicle appears to be wilfully
19 resisting or ignoring the law enforcement officer's attempt to
20 stop the vehicle by increasing vehicle speed, making evasive
21 maneuvers, or operating the vehicle in a reckless manner that



1 endangers the safety of the community or law enforcement
2 officer."

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

6 SECTION 4. New statutory material is underscored.

7 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. (SD1)

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not legislation or evidence of legislative intent.*

