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# A BILL FOR AN ACT

RELATING TO VEHICULAR PURSUIT.

**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 involving law  
3 enforcement are inherently dangerous due to the conditions of  
4 the State's roads. Accordingly, the purpose of this Act is to  
5 statutorily establish statewide vehicular law enforcement  
6 pursuit policies.

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

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

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



1        (A) A felony offense under chapter 707 or 708 that  
2        involves physical injury to the person of  
3        another;

4        (B) A sexual offense under part V of chapter 707;

5        (C) Assault in the first degree under section 707-710  
6        or assault in the second degree under section  
7        707-711 by a person operating a vehicle:

8        (i) In a reckless manner; or

9        (ii) Without regard for the safety of others;

10       (D) The offense of abuse of family or household  
11       members under section 709-906;

12       (E) The offense of escape in the first degree under  
13       section 710-1020;

14       (F) The offense of escape in the second degree under  
15       section 710-1021; or

16       (G) The offense of operating a vehicle under the  
17       influence of an intoxicant under section 291E-61;

18       (2) The vehicular pursuit is necessary to identify or  
19       apprehend the person;

20       (3) The person poses a serious risk of harm to others and  
21       the law enforcement officer reasonably believes that,



1       under the circumstances, the safety risks of failing  
2       to identify or apprehend the person are greater than  
3       the safety risks of the vehicular pursuit; and

4       (4) The pursuing law enforcement officer notifies a  
5       supervising law enforcement officer immediately upon  
6       initiating the vehicular pursuit; provided that:

7       (1) The supervising law enforcement officer oversees  
8       the vehicular pursuit; and

9       (2) The pursuing law enforcement officer, in  
10       consultation with the supervising law enforcement  
11       officer, considers:

12       (A) Alternatives to the vehicular pursuit;

13       (B) The justification for the vehicular pursuit;  
14       and

15       (C) Other safety factors, including speed,  
16       weather, traffic, road conditions, and any  
17       known presence of minors in the vehicle.

18       (b) In any vehicular pursuit under this section:

19       (1) The pursuing law enforcement officer and the  
20       supervising law enforcement officer shall comply with  
21       any applicable procedures for designating the primary



1 pursuit vehicle and determining the appropriate number  
2 of vehicles permitted to engage in the vehicular  
3 pursuit;

4 (2) The supervising law enforcement officer, pursuing law  
5 enforcement officer, or dispatcher shall notify other  
6 law enforcement agencies that may be affected by the  
7 vehicular pursuit or called upon to assist with the  
8 vehicular pursuit;

9 (3) To the extent practicable, the pursuing law  
10 enforcement officer shall use a common radio channel  
11 or other direct means of communication to directly  
12 communicate with other law enforcement officers  
13 engaging in the vehicular pursuit, the supervising law  
14 enforcement officer, and the dispatching law  
15 enforcement agency;

16 (4) As soon as practicable after initiating a vehicular  
17 pursuit, the pursuing law enforcement officer,  
18 supervising law enforcement officer, or responsible  
19 law enforcement agency shall develop a plan to end the  
20 vehicular pursuit through the use of available pursuit



intervention options, techniques, or tactics approved  
by the applicable law enforcement agency; and

(5) Upon initiation of a pursuit, the pursuing officer or  
officers shall immediately activate all emergency  
warning lights, siren, headlights, motor vehicle  
recorder, and body-worn camera. If an officer  
terminates a pursuit without stopping the pursued  
vehicle, upon terminating the pursuit, the pursuing  
officer or officers shall immediately cease all  
emergency vehicle operations, including turning off  
all emergency warning lights and sirens and  
disengaging from the fleeing vehicle.

(c) Any law enforcement officer who engages in a vehicular  
pursuit that fails to satisfy the requirements of this section  
shall terminate the pursuit. The supervising officer shall  
order the pursuing officer to terminate the pursuit as soon as  
the supervising officer determines that the pursuit, or  
continued pursuit, would not be authorized under this section.

(d) No law enforcement officer shall fire a weapon at,  
into, or from a moving vehicle unless:



1       (1) It is necessary to protect against an imminent risk of  
2       serious physical harm or death to an officer or  
3       another; and

4       (2) The imminent risk cannot be avoided through other  
5       reasonable means, including by avoiding the path of  
6       the vehicle.

7       (e) Each law enforcement agency shall annually furnish to  
8       the department of law enforcement, in a manner defined and  
9       prescribed by the department of law enforcement, a report of all  
10      vehicular pursuits conducted in the prior year by law  
11      enforcement officers employed by the law enforcement agency.

12      (f) Each report required under subsection (e) shall  
13      include, at a minimum, the following information for each  
14      vehicular pursuit:

15      (1) The reason for the pursuit, including the offenses or  
16      infractions that served as a basis for the pursuit;

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

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

19      (4) A summary of the circumstances surrounding the  
20      pursuit, including but not limited to the number of  
21      law enforcement officers involved, the number of law



enforcement vehicles involved, weather conditions, the  
type of law enforcement vehicles and pursued vehicles  
involved (e.g., motorcycle, sedan), and maximum  
speeds;

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

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

(7) Whether the pursuit resulted in a crash or collision;  
injury requiring medical treatment; or death to a law  
enforcement officer, driver or passenger in the  
pursued vehicle, or an uninvolved third party;

(8) If the pursuit resulted in a crash or collision,  
injury requiring medical treatment, or death, a  
description of the accident and details of each law  
enforcement officer, driver or passenger, or  
uninvolved third party injured or killed, including  
the type and severity of the injuries sustained by  
each, if any;

(9) Why and how the pursuit was discontinued or  
terminated, including whether the law enforcement



1 officer used any pursuit intervention tactics or  
2 tools, and if so, which tactics or tools;

3 (10) Unique identification numbers for each pursuing and  
4 supervising law enforcement officer;

5 (11) If a citation was issued, the violations cited;

6 (12) If an arrest was made, the offense charged; and

7 (13) 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 the type of  
10 contraband or evidence discovered, if any.

11 (g) The department of law enforcement shall make all  
12 information obtained from law enforcement agencies under  
13 subsection (e) publicly available on the department of law  
14 enforcement's website, classified by law enforcement agency, in  
15 a manner that is clear, understandable, and machine-readable.

16 (h) No law enforcement agency shall report or make  
17 publicly available the name, address, social security number, or  
18 other unique personal identifying information of the persons  
19 pursued. Law enforcement agencies are solely responsible for  
20 ensuring that personally identifying information of individuals





pursued is not transmitted to the department of law enforcement  
or otherwise released to the public.

(i) No later than:

(1) January 1, 2026, the department of law enforcement  
shall adopt rules pursuant to chapter 91 regarding the  
collection and reporting of data required under this  
section;

(2) January 1, 2026, the board shall develop a model  
vehicular pursuit policy that is consistent with the  
requirements of this section and shall seek public  
comment on the policy in accordance with chapter 91;  
provided that in its policy, the board shall include  
guidance on:

(A) Supervisory review and investigation of pursuits;  
and

(B) The use of pursuit intervention tools and  
tactics, including but not limited to vehicle  
paralleling and vehicle contact action;

(3) April 1, 2026, each law enforcement agency in the  
State shall adopt a written policy that is consistent  
with:



1           (A) The requirements of this section;

2           (B) The board's model vehicular pursuit policy; and

3           (C) The department of law enforcement's rules

4           regarding the collection and reporting of data;

5           and

6           (4) July 1, 2026, each law enforcement agency shall make

7           publicly available all of its policies, including

8           procedures, general orders, special orders,

9           regulations, and guidance, related to vehicular

10          pursuits.

11          (j) The policies under subsection (i)(4) shall be presumed  
12          to be a public record. Redaction of limited portions of these  
13          policies shall be permitted only if:

14          (1) They would be permitted under chapter 92F; and

15          (2) The redacted material, if made public, would

16          substantially and materially undermine ongoing

17          investigations or endanger the life or safety of

18          officers or members of the public.

19          (k) The policies under subsection (i)(4), including their  
20          component procedures, general orders, special orders,



1 regulations, and guidance, related to vehicular pursuits, shall  
2 include the month and year during which they were last updated.

3 (l) If any law enforcement agency adopts new or revised  
4 policies under subsection (i)(4), the policies shall be made  
5 publicly available within thirty days of the adoption.

6 (m) The board shall develop minimum requirements for both  
7 introductory and in-service training for law enforcement  
8 officers and supervising officers on vehicular pursuits to  
9 explain the requirements of this section and any implementing  
10 rules and guidance. The board shall require law enforcement  
11 officers and supervising officers to complete in-service  
12 training on vehicular pursuits every two years.

13 (n) Each law enforcement agency shall, as part of its  
14 pursuit policies, make clear to law enforcement officers and  
15 supervising officers that any violation of the policies shall  
16 result in discipline, up to and including termination.

17 (o) The attorney general may investigate and, if  
18 warranted, bring a civil action against any law enforcement  
19 agency to obtain equitable or declaratory relief to enforce this  
20 section.

21 (p) As used in this section:



1 "Law enforcement agency" has the same meaning as in section  
2 78-52.

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

8 "Vehicle" has the same meaning as in section 286-2.

9 "Vehicle contact action" means any action undertaken by the  
10 pursuing law enforcement officer intended to result in contact  
11 between the moving law enforcement vehicle and the pursued  
12 vehicle.

13 "Vehicle paralleling" means a deliberate offensive tactic  
14 by one or more law enforcement vehicles in which they are driven  
15 alongside the pursued vehicle while the pursued vehicle is in  
16 motion.

17 "Vehicular pursuit" or "pursuit" means an attempt by a law  
18 enforcement officer in a law enforcement vehicle to stop a  
19 moving vehicle where the operator of the moving vehicle appears  
20 to be aware that the law enforcement officer is signaling the  
21 operator of the moving vehicle to stop the vehicle and the



operator of the moving vehicle appears to wilfully resist or  
ignore the law enforcement officer's attempt to stop the vehicle  
by increasing vehicle speed, making evasive maneuvers, or  
operating the vehicle in a reckless manner that endangers the  
safety of the community or law enforcement officer.

Following a vehicle whose operator fails to yield to the  
officer's signal to stop for a brief period of time no longer  
than necessary to obtain basic information about the vehicle and  
its occupants does not constitute a pursuit if both the law  
enforcement officer and operator continue to substantially obey  
all other traffic laws during the brief period the officer is  
following the operator, and the officer reasonably believes that  
briefly following the vehicle would not increase the threat that  
either the operator's or the officer's driving poses a danger to  
the safety of the public or other officers."

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

SECTION 4. New statutory material is underscored.



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



**Report Title:**

Law Enforcement; Vehicular Pursuit Policy

**Description:**

Establishes a vehicular pursuit policy for law enforcement agencies. 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.*

