

A Bill for an Act Relating to Government Services Relating to the Law.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that law enforcement services are an essential government function that aim to promote respect for, and compliance with, state and county laws.

The purpose of this Act 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 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.

SECTION 2. Section 803-7, Hawaii Revised Statutes, is amended to read as follows:

“§803-7 Use of force[-]; duty to intervene and report unnecessary or excessive force. (a) In all cases where the person arrested refuses to submit or attempts to escape, ~~[such]~~ a degree of force may be used by a law enforcement officer as is necessary to compel the person to submission.

(b) A law enforcement officer who reasonably believes that another law enforcement officer is using unnecessary or excessive force on an arrestee that violates an applicable law or departmental policy shall have a duty to:

- (1) Immediately intervene to prevent the use of unnecessary or excessive force by the other law enforcement officer; provided that the intervention can be safely accomplished; and
- (2) Report the incident to the other law enforcement officer's supervisor as soon as practicable.

(c) Each relevant department director and county police department chief shall submit an annual report of incidents reported pursuant to subsection (b) to the legislature no later than January 31 of each year. The reporting period of each report shall be from January 1 to December 31 of the year immediately before the year of the report submission. The annual report shall:

- (1) Summarize the facts and the nature of each reported incident; and
- (2) Specify the disciplinary action, if any, that was imposed in connection with a reported incident.

(d) As used in this section, “law enforcement officer” means any public servant, whether employed by the State or county, vested by law with a duty to maintain public order or to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.”

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. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.
(Approved June 5, 2023.)