
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 139, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 **"PART . MOTOR VEHICLE PURSUITS**

5 **§139-A Definitions.** As used in this part:

6 "Authorized emergency vehicle" or "police vehicle" means a
7 vehicle that is authorized for police service and equipped with
8 an operable department-authorized blue light and siren; or a
9 police helicopter.

10 "Body-worn camera" means a police department-issued,
11 compact video-recording device worn by a law enforcement officer
12 for the purpose of recording interactions with the public.

13 "Motor vehicle pursuit" or "pursuit" means an attempt by a
14 law enforcement officer operating or directing the operation of
15 a motor vehicle to stop another motor vehicle when an occupant
16 of that vehicle is a suspected violator of the law, and the



1 driver of that vehicle appears to be ignoring lawful commands to
2 stop or to be fleeing from the law enforcement officer.

3 "Primary unit" means the authorized emergency vehicle that
4 initiates or continues as the lead vehicle in a pursuit.

5 "Secondary unit" means any police vehicle that becomes
6 involved as a backup to the primary unit.

7 "Superior officer" means a law enforcement officer above
8 the rank of sergeant.

9 **§139-B Restrictions.** (a) No law enforcement officer
10 operating or directing the operation of a motor vehicle not
11 equipped with blue lights and sirens authorized by law and the
12 applicable police department shall engage in a motor vehicle
13 pursuit.

14 (b) No law enforcement officer shall engage in a motor
15 vehicle pursuit conducted by a different state or county agency
16 without receiving authorization from the law enforcement
17 officer's respective field supervisor.

18 **§139-C Initiation of pursuit.** (a) Before initiating a
19 pursuit, a law enforcement officer shall use the police
20 vehicle's blue light and siren to command the subject motor
21 vehicle to stop. If the driver exhibits intentions of eluding



1 the law enforcement officer by being evasive, the law
2 enforcement officer may initiate a pursuit.

3 (b) Each law enforcement officer initiating a pursuit
4 shall:

5 (1) Continuously use the flashing blue light and siren;

6 (2) Immediately notify a dispatcher by specifically
7 announcing that the law enforcement officer is
8 initiating a pursuit;

9 (3) Provide to the dispatcher:

10 (A) The reason, location, and direction of the
11 pursuit;

12 (B) Each motor vehicle's speed;

13 (C) The weather conditions;

14 (D) A general description of the pedestrian and
15 vehicular traffic;

16 (E) The description and license plate number of the
17 pursued vehicle;

18 (F) A description of the pursued vehicle's occupants;
19 and

20 (G) Frequent updates regarding subparagraphs (B)
21 through (F); provided that each secondary unit



1 shall also provide frequent updates in accordance
2 with this subparagraph.

3 (c) Upon gathering adequate information, the dispatcher
4 shall make timely notification to the appropriate field
5 supervisors and the on-duty lieutenant, or lieutenant's
6 designee, of the division of the police department responsible
7 for public communications. The lieutenant, or lieutenant's
8 designee, shall monitor the pursuit closely.

9 (d) The primary dispatcher of the police department shall
10 be responsible for handling each pursuit; provided that the
11 primary dispatcher shall select how often the police department
12 shall use the primary dispatcher.

13 (e) The dispatcher shall:

14 (1) Use a multicast broadcast to notify all available
15 units of the pursuit;

16 (2) Be responsible for transmitting all available
17 information about the pursuit; and

18 (3) Contact the applicable helicopter unit of the police
19 department and direct the unit to assist in the
20 pursuit if the unit is available and the dispatcher
21 deems it appropriate.



1 **§139-D Supervisory responsibilities.** (a) The applicable
2 pursuit supervisor shall be responsible for supervising each
3 pursuit; provided that, in the pursuit supervisor's absence, the
4 ranking supervisor available at the time shall be responsible
5 for supervising the pursuit.

6 (b) The individual identified in subsection (a) shall:

7 (1) Determine the units to participate in the pursuit;

8 (2) Be responsible for determining whether to designate
9 the situation as a pursuit; and

10 (2) Direct the pursuit throughout its duration;

11 provided that if a superior officer instructs or directs law
12 enforcement officers involved in the pursuit, the pursuit
13 supervisor's responsibilities shall be transferred to that
14 superior officer.

15 (c) The field supervisor shall terminate any pursuit that
16 becomes dangerous.

17 (d) The applicable initial patrol district watch commander
18 shall ensure that each report prepared pursuant to section 139-G
19 is submitted to the district commander in accordance with that
20 section.



1 **§139-E Pursuit tactics.** (a) No more than two police
2 vehicles shall pursue a subject vehicle at any time; provided
3 that the pursuit supervisor may authorize more vehicles to
4 participate in the pursuit if necessary for the safety of the
5 law enforcement officers involved.

6 (b) The operator of a secondary unit that becomes involved
7 as a backup to the primary unit shall:

8 (1) Keep the emergency lights and siren activated at all
9 times during the pursuit;

10 (2) Inform a dispatcher that the operator is engaging in
11 the pursuit; and

12 (3) Inform a dispatcher if the operator takes over
13 the pursuit.

14 (c) No law enforcement officer not directed by the pursuit
15 supervisor to participate in the applicable pursuit shall join
16 in the pursuit; provided that an available law enforcement
17 officer shall monitor the progress of the pursuit on the law
18 enforcement officer's radios and position themselves so as to be
19 prepared to assist if directed to do so; provided further that
20 no law enforcement officer shall violate any applicable traffic



1 laws or regulations to satisfy the requirements of this
2 subsection.

3 (d) No law enforcement officer shall attempt to pull
4 alongside or pass a pursued vehicle. Each pursuing law
5 enforcement officer shall remain at a safe distance behind the
6 pursued vehicle and keep the pursued vehicle in the law
7 enforcement officer's sight until the driver of the pursued
8 vehicle stops voluntarily. Each pursuing police vehicle shall
9 remain at a safe distance from any other pursuing police
10 vehicle.

11 (e) Each pursuing law enforcement officer shall use a
12 firearm in the pursuit only in strict compliance with any
13 applicable laws and directives relating to the use of firearms.

14 (f) Each pursuing law enforcement officer having a
15 body-worn camera shall ensure that the camera is activated and
16 used in strict compliance with any applicable laws and
17 directives throughout the pursuit.

18 (g) No police vehicle shall be used to block, contain, or
19 ram a pursuing vehicle.

20 (h) If available and deemed appropriate to do so, an
21 applicable helicopter unit of the police department shall assist



1 in each pursuit. Any relevant information obtained from the
2 helicopter unit, including the unit's ability to track the
3 pursued vehicle, shall be provided to the pursuit supervisor.
4 The pursuit supervisor may, based on this information, consider
5 directing all ground units to terminate the pursuit and direct
6 these units to respond to the location of the pursued vehicle in
7 a nonemergency status.

8 **§139-F Termination of pursuit.** (a) Each pursuit shall be
9 terminated if:

- 10 (1) The risk created by the pursuit is unreasonable based
11 on the nature of the offense for which the suspect is
12 being pursued and the conditions under which the
13 pursuit is conducted, including the speeds involved,
14 volume of traffic on the road, pedestrian traffic,
15 weather and roadway conditions, actions of the pursued
16 vehicle, actions of the pursuing law enforcement
17 officers, actions at intersections, presences of
18 school zones, time of day, and any other factors that
19 may affect visibility and maneuverability;
- 20 (2) The suspect is identified with sufficient certainty
21 that apprehension may be effected at a later time; or



1 (3) The whereabouts of the pursued vehicle are no longer
2 certain;
3 provided that the pursuit supervisor shall be primarily
4 responsible for determining whether to terminate the pursuit;
5 provided further that nothing in this section shall be construed
6 as precluding any other law enforcement officer, including the
7 primary unit, from terminating the pursuit based on the law
8 enforcement officer's knowledge of conditions that are relevant
9 to the pursuit.

10 (b) Any helicopter unit participating in a pursuit may
11 terminate the unit's participation if the pilot of the
12 helicopter or an observer in the helicopter determines that the
13 danger of continuing the pursuit from the air outweighs the need
14 to continue the pursuit.

15 (c) Upon termination of a pursuit:

16 (1) Each pursuing law enforcement officer shall turn off
17 the pursuing vehicle's siren and blue lights, reduce
18 the vehicle's speed to the posted limit, and attempt
19 to maneuver the vehicle out of view of the pursued
20 driver; and



1 (2) The helicopter unit shall bring the helicopter to the
2 normal cruising altitude and out of view of the
3 pursuit vehicle unless directed by the pursuit
4 supervisor to continue monitoring the pursuit vehicle.

5 **§139-G Motor vehicle pursuit reports.** (a) After each
6 motor vehicle pursuit, each member of the police department who
7 participated in the pursuit, including the pursuit supervisor,
8 each primary and secondary unit, and each law enforcement
9 officer in the applicable helicopter unit, shall prepare a
10 report that includes:

- 11 (1) The reason for the pursuit;
12 (2) The date, start time, and end time of the pursuit;
13 (3) Identification of each party involved in the pursuit;
14 (4) A summary of the circumstances surrounding the
15 pursuit; and
16 (5) Whether a body-worn camera was present and active
17 during the pursuit.

18 No later than the next calendar day following the pursuit, each
19 member shall submit the member's report to the commander of the
20 element in which the pursuit began, or the commander's designee.
21 Within five calendar days of the pursuit, the commander or



1 commander's designee shall compile, and submit to the applicable
2 office of the county that is responsible for professional
3 standards for law enforcement officers, all reports prepared in
4 response to the pursuit. The professional standards office
5 shall forward the compilation of reports to the pursuit review
6 board established under section 139-H and the commander of the
7 element in which the pursuit began.

8 (b) Each report shall be prepared on a form approved by
9 the professional standards office; provided that this form shall
10 comply with the requirements of subsection (a).

11 **§139-H Pursuit review boards; composition; duties. (a)**

12 Each police department in the State shall establish a pursuit
13 review board to review each motor vehicle pursuit and recommend
14 a course of action to the applicable chief of police.

15 (b) Each pursuit review board shall comprise a major, or
16 the major's designee, from each bureau of the applicable police
17 department. The major of the police department division that is
18 responsible for enforcement of the State and applicable county's
19 traffic laws shall serve as the chairperson of the pursuit
20 review board. The pursuit review board shall select a vice
21 chairperson from among its members.



1 (c) A majority of all members to which the pursuit review
2 board is entitled shall constitute a quorum to do business.

3 (d) Each member of each pursuit review board shall serve a
4 term of at least twelve months. Two members shall be replaced
5 each year.

6 **§139-I Pursuit review boards; investigations.** (a) After
7 each pursuit:

8 (1) The captain of each element involved in the pursuit
9 shall:

10 (A) Appear before the applicable pursuit review
11 board;

12 (B) Provide the pursuit review board with a summary
13 of the pursuit; and

14 (C) Make recommendations regarding whether:

15 (i) The pursuit was conducted within acceptable
16 parameters; or

17 (ii) An additional investigation is required; and

18 (2) The pursuit review board shall:

19 (A) If the pursuit review board determines that the
20 pursuit was conducted within acceptable
21 parameters, submit the pursuit review board's



1 conclusion in writing to the applicable chief of
2 police; or

3 (B) If the pursuit review board determines that the
4 pursuit was not conducted within acceptable
5 parameters:

6 (i) But no additional investigation is required,
7 recommend to the applicable chief of police
8 that a non-disciplinary action is
9 appropriate; or

10 (ii) Direct the commander of each affected
11 employee to conduct a full investigation of
12 the pursuit without determining a final
13 disposition or corrective action; provided
14 that, at the discretion of the pursuit
15 review board, the chairperson of the pursuit
16 review board may direct the applicable
17 professional standards office to conduct the
18 investigation.

19 (b) If an investigation is undertaken pursuant to this
20 section, the chairperson of the applicable pursuit review board
21 shall distribute to each member of the pursuit review board and



1 the commander of any accused employee's element a report of the
2 completed investigation. At the request of the chairperson of
3 the pursuit review board, the captain of any accused employee's
4 element shall appear before the pursuit review board and provide
5 a summary of the case and testimony about the employee's work
6 history and disciplinary record and make recommendations
7 regarding the disposition of the investigation.

8 (c) Any accused employee may choose to either appear
9 before the pursuit review board in person or provide a written
10 response to each charge made against the employee; provided
11 that, if the accused employee elects to appear in person, the
12 accused employee may have a union representative present at the
13 hearing. The accused employee may provide the pursuit review
14 board with any mitigating circumstances for the pursuit review
15 board to consider.

16 (d) A written notice of each pursuit review board hearing
17 conducted pursuant to this section shall be delivered to any
18 applicable accused employee at least fourteen calendar days
19 before the hearing date.

20 (e) After consideration of all pertinent information, the
21 pursuit review board shall submit its recommendations in writing



1 to the applicable deputy chief of police, who shall forward the
2 recommendations to the applicable chief of police.

3 **§139-J Annual report.** No later than January 31 of each
4 year, the pursuit review board shall submit to the applicable
5 chief of police a report that includes:

- 6 (1) An analysis of all pursuit reports to determine
7 possible patterns and trends;
8 (2) A review of pursuit policies and reporting procedures;
9 and
10 (3) Any recommendations for training or policy changes, or
11 both."

12 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
13 amended by designating sections 139-1 to 139-9 as Part I, and
14 inserting a title before section 139-1 to read as follows:

15 **"PART I. GENERAL PROVISIONS"**

16 SECTION 3. In codifying the new sections added by
17 section 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.



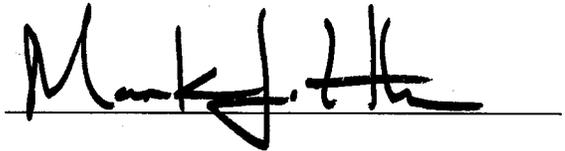
1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 23 2024



H.B. NO. 2596

Report Title:

Law Enforcement Officers; Vehicular Pursuits; Policies;
Restrictions

Description:

Establishes statewide vehicular pursuit policies.

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

