
A BILL FOR AN ACT

RELATING TO POLICE OFFICERS.

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

1 SECTION 1. Section 52D-8, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§52D-8[+] **Police officers; counsel for.** (a) Whenever
4 a police officer is prosecuted for a crime or sued in a civil
5 action for acts done in the performance of the officer's duty as
6 a police officer, the police officer shall be represented and
7 defended:

8 (1) In criminal proceedings, by an attorney to be employed
9 and paid by the county in which the officer is
10 serving; and

11 (2) In civil cases, by the corporation counsel or county
12 attorney of the county in which the police officer is
13 serving.

14 (b) For purposes of this section, "acts done in the
15 performance of the officer's duty as a police officer" shall
16 include:

17 (1) Any action while in a duty status or while the police
18 officer is on duty;



- 1 (2) Any action performed by an off-duty police officer
- 2 while effecting an arrest or performing any other
- 3 police duty;
- 4 (3) Any action performed by the police officer while on
- 5 special duty status; and
- 6 (4) Any action done by the police officer when it is
- 7 alleged that the police officer was acting while under
- 8 the color of law."

9 SECTION 2. Section 52D-9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "[~~+~~]**\$52D-9**[~~+~~] **Determination of scope of duty.** [The]
12 Subject to section 52D-8, the determination of whether an act,
13 for which the police officer who is [~~being~~] prosecuted or sued,
14 was done in the performance of the police officer's duty, [~~so as~~
15 ~~to entitle~~] entitling the police officer to be represented by
16 counsel provided by the county, shall be made by the police
17 commission of the county. Before making a determination, the
18 police commission shall consult the county attorney or the
19 corporation counsel, who may make a recommendation to the police
20 commission with respect thereto if the county attorney or
21 corporation counsel so desires. The determination of the police



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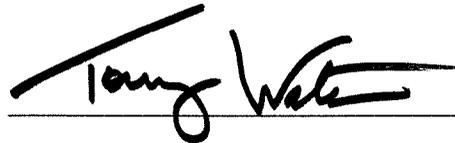
1 commission shall be conclusive for the purpose of this section
2 and section 52D-8."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY:



JAN 22 2007



Report Title:

Police Officers; Representation by Counsel

Description:

Clarifies meaning of "acts done in the performance of the officer's duty as a police officer" for purposes of determining if a police officer who is prosecuted or sued must be represented by an attorney who is employed by the county.

