

---

# 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 finds that law enforcement  
2 services are an essential government function. The legislature  
3 further finds that law enforcement services are government  
4 services that relate to the law because these services aim to  
5 promote respect for, and compliance with, state and county laws.

6       The purpose of this Act is to require greater  
7 accountability and transparency in the government's provision of  
8 law enforcement services by:

9       (1) Providing that a law enforcement officer has a duty to  
10       intervene if the law enforcement officer reasonably  
11       believes that another law enforcement officer is using  
12       unnecessary or excessive force on an arrestee;

13       (2) Requiring the intervening law enforcement officer to  
14       report the incident to the other law enforcement  
15       officer's supervisor; and

16       (3) Requiring relevant departments to submit annual  
17       reports to the legislature.



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

**"§803-7 Use of force[-]; duty to report 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 in violation of 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 county police department chief and relevant department director shall submit to the legislature, no later than January 31 of each year, an annual report of incidents reported pursuant to subsection (b). The reporting period of



1 each report shall be from January 1 to December 31 of the year  
2 immediately prior to the year of the report submission. The  
3 annual report shall:

4 (1) Summarize the facts and the nature of each reported  
5 incident; and

6 (2) Specify the disciplinary action, if any, that was  
7 imposed in connection with a reported incident.

8 (d) As used in this section, "law enforcement officer"  
9 means a sheriff, deputy sheriff, police officer, enforcement  
10 officer within the department of land and natural resources  
11 conservation and resources enforcement program, enforcement  
12 officer within the department of transportation harbors  
13 division, and any other employee of a state or county public  
14 body who carries a badge and firearm and has powers of arrest."

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

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

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



**Report Title:**

Law Enforcement Officers; Arrests; Excessive Force; Duty to Intervene

**Description:**

Provides 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. Requires the law enforcement officer to report the incident to the fellow law enforcement officer's supervisor. Requires relevant departments to submit annual reports to the Legislature. (SD2)

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

