

JAN 20 2023

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW.

**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           or is about to use unnecessary or excessive force on  
13           an arrestee;
- 14           (2) Requiring the intervening law enforcement officer to  
15           report the incident to the other law enforcement  
16           officer's supervisor; and



1 (3) Requiring relevant departments to submit an annual  
2 report to the legislature.

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

5 "§803-7 Use of force[-]; duty to report excessive force.

6 (a) In all cases where the person arrested refuses to submit or  
7 attempts to escape, [~~such~~] a degree of force may be used by a  
8 law enforcement officer as is necessary to compel the person to  
9 submission.

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

14 (1) Immediately intervene to prevent the use of  
15 unnecessary or excessive force by the law enforcement  
16 officer; provided that the intervention can be safely  
17 accomplished; and

18 (2) Report the incident to the law enforcement officer's  
19 supervisor as soon as practicable.

20 (c) Each county police department chief and relevant  
21 department director shall submit to the legislature, no later



1 than January 31 of each year, an annual report of incidents  
2 reported pursuant to subsection (b). The reporting period of  
3 each report shall be from January 1 to December 31 of the year  
4 immediately prior to the year of the report submission. The  
5 annual report shall:

6 (1) Summarize the facts and the nature of each reported  
7 incident; and

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

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

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

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

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

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INTRODUCED BY: 



# S.B. NO. 372

**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 or is about to use 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.

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

