

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 151
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and
Military Affairs, to which was referred S.B. No. 151 entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT REFORM,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require any department or agency employing a law enforcement officer to maintain a publicly available policy that provides a minimum standard on the use of force;
- (2) Allow use of force policies and training to be considered in legal proceedings involving a law enforcement officer's use of force;
- (3) Require a law enforcement officer who observes the use of force by another law enforcement officer to report the use of force; and
- (4) Require that law enforcement officers receive training designed to minimize the use of force.

Your Committee received testimony in support of this measure from the Honolulu Police Department and three individuals. Your Committee received testimony in opposition to this measure from



the Hawai'i Police Department, State of Hawaii Organization of Police Officers, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Kauai Police Department.

Your Committee finds that law enforcement services are an essential government function that aim to promote respect for, and compliance with, state and county laws. Your Committee believes that mitigating any future actions of excessive force by law enforcement officers, which may lead to unnecessary loss of life or harm is in the interests of the State. This measure will increase accountability and transparency in law enforcement services by requiring law enforcement agencies to maintain a publicly available policy that provides a minimum standard on the use of force, requiring law enforcement officers who observe the use of excessive force by an officer to report the use of force, and requiring that law enforcement officers receive training designed to minimize the use of force.

Your Committee has amended this measure by:

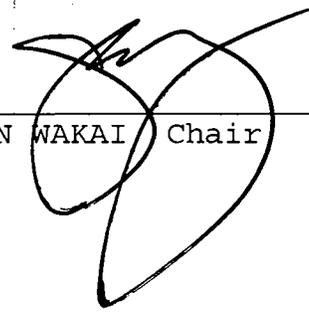
- (1) Deleting language that would have allowed use of force policies and training to be considered as a factor in the totality of circumstances in determining whether the officer acted reasonably but not be considered as imposing a legal duty on the officer to act in accordance with the policies and training;
- (2) Requiring a law enforcement officer to report the use of excessive force by another officer rather than report any use of force by another officer;
- (3) Replacing the term "department head" with "division head" as necessary; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, as amended herein, and recommends that it pass Second Reading in the form



attached hereto as S.B. No. 151, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on behalf of the members of the Committee on Public Safety and Intergovernmental and Military Affairs,

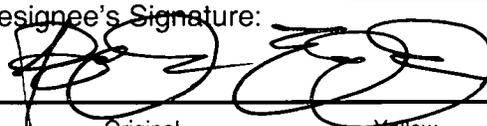


GLENN WAKAI Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB151	Committee Referral: PSM, JDC	Date: 2/10/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol				✓
MCKELVEY, Angus L.K.	✓			
AWA, Brenton			✓	AWA (2)
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes