

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 151
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 151, S.D. 1, 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 excessive force by another law enforcement officer to report the use of excessive 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, Kauai Police Department, and one individual. Your Committee received testimony in opposition



to this measure from the State of Hawaii Organization of Police Officers and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that ensuring that force used by officers in the performance of duties is proper, lawful, and necessary is crucial to provide for public safety and maintain the trust of the public. To that end, providing increased training and enacting policy and procedures regarding lawful use of force is necessary. This measure strengthens the laws that regulate police conduct in order to minimize the use of force.

Your Committee has amended this measure by:

- (1) Specifying that the division head shall complete an investigation and notify the chief of police of the respective county or the state department deputy director, as applicable, of the outcome of the investigation in writing;
- (2) Specifying that the chief of police or the state department deputy director who received the written notification shall notify the police commission of the respective county or the state department director, as applicable, of the outcome of the investigation in writing;
- (3) Specifying that if the department head is the subject of the use of force report, the reporting officer shall report directly to the police commission of the respective county or the state department director, as applicable, within seven days of observing the use of force, and the police commission or the state department director shall complete an investigation;
- (4) Deleting language that would have required that the investigation of the department head be completed within fifteen days;
- (5) Clarifying that any police commission or state department director who receives a report of use of force shall begin conducting an investigation as soon as



practicable and reach a timely determination on the merits; and

- (6) Adding definitions for "department head" and "division head".

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 151, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 151, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 151 SD1	Committee Referral: PSM, JDC	Date: 3/1/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	—	1	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


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***Only one measure per Record of Votes**