

1 "Extreme psychological abuse" means an intentional or
2 knowing course of conduct directed at an individual that
3 seriously and consistently alarms or disturbs or continually
4 bothers the individual, and that serves no legitimate purpose;
5 provided that the course of conduct would cause a reasonable
6 person to suffer extreme emotional distress.

7 "Family or household member" means spouses or reciprocal
8 beneficiaries, former spouses or former reciprocal
9 beneficiaries, persons who have a child in common, parents,
10 children, persons related by consanguinity, persons jointly
11 residing or formerly residing in the same dwelling unit, and
12 persons who have or have had a dating relationship.

13 "Law enforcement agency" means a county police department;
14 the department of public safety, or its successor agency; or any
15 state or county public body that employs law enforcement
16 officers.

17 "Law enforcement officer" means all law enforcement
18 positions that require the possession of a firearm, including a
19 sheriff, deputy sheriff, police officer, parole officer, and
20 probation officer.



1 "Malicious property damage" means intentional or knowing
2 damage to the property of another, without consent, with an
3 intent to cause emotional distress.

4 **§ -2 Domestic violence policy; adoption; implementation.**

5 (a) No later than January 1, 2024, each law enforcement agency
6 shall adopt and implement a written policy on domestic violence
7 committed or allegedly committed by a law enforcement officer
8 employed by the agency. The policy shall meet the minimum
9 standards specified in this chapter. Each law enforcement
10 agency may consult public and private nonprofit organizations,
11 domestic violence advocates, and any other organizations or
12 experts the agency deems necessary.

13 (b) The domestic violence policy shall provide due process
14 for law enforcement officers accused of committing domestic
15 violence and shall include:

16 (1) Pre-hire screening procedures reasonably calculated to
17 discover whether an applicant for a law enforcement
18 position:

19 (A) Has committed or, based on credible sources, has
20 been accused of committing, an act of domestic
21 violence; or



- 1 (B) Is currently, or has previously been, subject to
- 2 a domestic abuse protective order under chapter
- 3 586;
- 4 (2) Procedures for mandatorily and immediately responding
- 5 to acts or allegations of domestic violence committed
- 6 or allegedly committed by a law enforcement officer;
- 7 (3) Procedures for delivering information on domestic
- 8 violence prevention programs to a law enforcement
- 9 officer who requests the information or has been
- 10 accused of an act of domestic violence;
- 11 (4) Procedures for law enforcement agency employees to
- 12 mandatorily and immediately report when an employee
- 13 becomes aware of an allegation of domestic violence
- 14 committed or allegedly committed by a law enforcement
- 15 officer;
- 16 (5) Procedures to address a report by a law enforcement
- 17 agency employee who is the victim of domestic violence
- 18 committed or allegedly committed by a law enforcement
- 19 officer;
- 20 (6) Procedures for a law enforcement officer to
- 21 mandatorily and immediately self-report to the



1 officer's employing law enforcement agency when the
2 agency responds to a domestic violence call in which
3 the law enforcement officer committed or allegedly
4 committed an act of domestic violence;

5 (7) Procedures for a law enforcement officer to
6 mandatorily and immediately self-report to the
7 officer's employing law enforcement agency if the
8 officer is currently or has previously been subject to
9 a domestic abuse protective order under chapter 586;

10 (8) Procedures to initiate prompt, separate, and impartial
11 administrative and criminal investigations of acts or
12 allegations of domestic violence committed or
13 allegedly committed by a law enforcement officer;

14 (9) Procedures for taking appropriate action during an
15 administrative or criminal investigation of acts or
16 allegations of domestic violence committed or
17 allegedly committed by a law enforcement officer;
18 provided that each law enforcement agency shall
19 develop administrative procedures to determine, in a
20 manner consistent with applicable law and the agency's
21 ability to maintain public safety, whether to relieve



1 the law enforcement officer of agency-issued weapons
2 and other agency-issued property and whether to
3 suspend the law enforcement officer's power of arrest
4 or other powers pending resolution of any
5 investigation;

6 (10) Procedures regarding the imposition of penalties or
7 disciplinary actions under the policy;

8 (11) Procedures to make available to the alleged victim the
9 following information immediately upon an allegation
10 of domestic violence committed by a law enforcement
11 officer:

12 (A) The law enforcement agency's written policy on
13 domestic violence committed or allegedly
14 committed by a law enforcement officer;

15 (B) Information on and contact information for public
16 and private nonprofit domestic violence advocates
17 and services; and

18 (C) Information on the law enforcement agency's
19 confidentiality policies regarding the victim's
20 information;



1 (12) Procedures for responding in a timely manner to an
2 alleged victim's inquiries into the status of the
3 administrative investigation and the procedures the
4 law enforcement agency will follow in investigating
5 domestic violence committed or allegedly committed by
6 a law enforcement officer;

7 (13) Procedures requiring each law enforcement agency to
8 immediately notify the employing law enforcement
9 agency if the notifying agency becomes aware of acts
10 or allegations of domestic violence committed by a law
11 enforcement officer employed by another agency; and

12 (14) Procedures for law enforcement agencies to access and
13 share domestic violence training.

14 **§ -3 Training.** (a) No later than January 1, 2024, each
15 law enforcement officer hired by a law enforcement agency before
16 July 1, 2023, shall be trained by the law enforcement agency on
17 the agency's policy required under this chapter.

18 (b) Each law enforcement officer hired by a law
19 enforcement agency on or after July 1, 2023, shall within six
20 months of beginning employment, be trained by the agency on the
21 agency's policy pursuant to this chapter.



1 **§ -4 Reporting.** No later than twenty days prior to the
2 convening of each regular session, beginning with the regular
3 session of 2024, each law enforcement agency shall submit to the
4 legislature and governor:

- 5 (1) The agency's policy developed under this chapter;
- 6 (2) Any revisions to the policy; and
- 7 (3) Confirmation that the agency has complied with the
8 training required under this chapter.

9 **§ -5 Possession of a firearm after issuance of a**
10 **protective order or conviction for domestic violence.** (a) No
11 law enforcement officer shall possess a firearm while the law
12 enforcement officer is subject to a court order that:

- 13 (1) Was issued after a hearing of which the law
14 enforcement officer received actual notice and at
15 which the law enforcement officer had an opportunity
16 to participate;
- 17 (2) Restrains the law enforcement officer from harassing,
18 stalking, or threatening an intimate partner of the
19 law enforcement officer or child of an intimate
20 partner of the law enforcement officer, or engaging in
21 other conduct that would place an intimate partner in



1 reasonable fear of bodily injury to the intimate
2 partner or child;

3 (3) Includes a finding that the law enforcement officer
4 represents a credible threat to the physical safety of
5 an intimate partner or child; and

6 (4) Prohibits the use, attempted use, or threatened use of
7 physical force that would reasonably be expected to
8 cause bodily injury against an intimate partner or
9 child.

10 (b) No law enforcement officer who has been convicted in
11 any court of a misdemeanor or felony crime of domestic violence
12 shall possess a firearm unless the conviction has been expunged
13 or set aside.

14 § -6 Public notice. Each law enforcement agency shall
15 post the agency's written policy on domestic violence committed
16 or allegedly committed by a law enforcement officer on the
17 agency's official website."

18 SECTION 2. Section 52D-16, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "[+]§52D-16[+] Domestic violence policies; standard of
21 conduct policies. [~~Each~~] Pursuant to chapter -6, each county



1 police department shall post its policies relating to domestic
2 violence, officer-involved domestic violence, and standards of
3 conduct on its official website."

4 SECTION 3. Each state and county law enforcement agency
5 subject to this Act shall submit a report to the legislature, no
6 later than twenty days prior to the convening of the regular
7 session of 2024, confirming the agency's adoption and
8 implementation of the domestic violence policy required by this
9 act, and providing recommendations, including recommendations
10 for further legislation, regarding domestic violence policies
11 for law enforcement agencies in Hawaii.

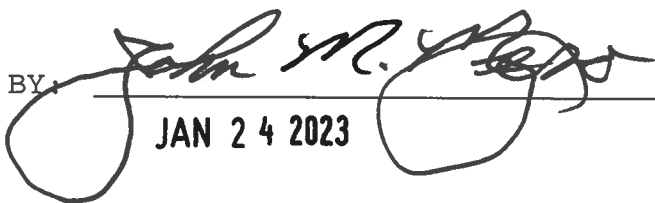
12 SECTION 4. This Act does not affect rights and duties that
13 matured, penalties that were incurred, and proceedings that were
14 begun before its effective date.

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.

18

INTRODUCED BY:


JAN 24 2023



H.B. NO. 1199

Report Title:

Domestic Violence Policy; Law Enforcement Agencies; Law Enforcement Officers

Description:

Requires law enforcement agencies to adopt and implement a written policy on domestic violence committed or allegedly committed by a law enforcement officer. Establishes standards, training deadlines, administrative procedures, and reporting requirements.

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