STAND. COM. REP. NO. 128

Honolulu, Hawaii

MAR 0 3 2023

RE: S.B. No. 372 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 Judiciary, to which was referred S.B. No. 372, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW, "

begs leave to report as follows:

The purpose and intent of this measure is to require greater accountability and transparency in the government's provision of law enforcement services by:

- Providing that a law enforcement officer has a duty to (1)intervene if the law enforcement officer reasonably believes that another law enforcement officer is using unnecessary or excessive force on an arrestee;
- (2) Requiring the law enforcement officer to report the incident to the fellow law enforcement officer's supervisor; and
- (3) Requiring relevant departments to submit annual reports to the Legislature.

Your Committee received testimony in support of this measure from the Honolulu Police Department and two individuals. Your Committee received testimony in opposition to this measure from the State of Hawaii Organization of Police Officers.



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Your Committee finds that building trust with the community is fundamental to effective policing. However, that integral trust has been shaken recently due to several national high profile killings of unarmed young black men and women by law enforcement officers through the use of excessive and unreasonable force. Your Committee further finds that establishing a duty to intervene for law enforcement officers who observe instances of excessive force will provide accountability for police misconduct. Your Committee finds that, while the county police departments may currently have policies and procedures in place to ensure that law enforcement officers intervene when they reasonably believe that another officer is using unnecessary force, this measure will serve to enshrine that duty in statute and help rebuild public confidence and trust, improve community interactions, and ensure that all citizens are held equal under the law.

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. 372, S.D. 1, and recommends that it pass Third Reading.

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

Kal Rhom

KARL RHOADS, Chair



The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Committee Referral:		Date:	
5B 372 SDI	PSM, JDC		2	2/24/23	
The Committee is reconsidering its previous decision on this measure.					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		V			
GABBARD, Mike (VC)					
ELEFANTE, Brandon J.C.					
SAN BUENAVENTURA, Joy A.					\checkmark
AWA, Brenton					
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TOTAL	1	3			
Recommendation:					
Chair's of Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only <u>one</u> measure per Record of Votes