

JAN 18 2024

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that vehicular police
2 pursuits in the State can endanger public safety. The
3 legislature acknowledges that approximately thirty-two per cent
4 of the Honolulu police department's vehicular pursuits involve
5 crashes. Additionally, many of the Honolulu police department's
6 vehicular pursuits are initiated in response to minor offenses
7 such as property crimes and traffic offenses.

8 The legislature notes that, in 2021, certain Honolulu
9 police department officers allegedly failed to activate their
10 vehicles' lights or sirens while pursuing a vehicle, caused that
11 vehicle to crash, and then failed to immediately render aid to
12 those injured in the crash. Injuries sustained by those
13 involved in the crash included partial paralysis, fractured
14 spines, and eye lacerations. The legislature further notes that
15 in March 2023, four Honolulu police department officers were
16 charged with felonies in connection with this vehicular pursuit.



1 The legislature believes that establishing stricter police
2 pursuit policies will help to limit these types of crashes.
3 Accordingly, the purpose of this Act is to statutorily establish
4 statewide vehicular police pursuit policies.

5 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§139- Vehicular pursuit. (a) No law enforcement
9 officer shall engage in a vehicular pursuit unless:

10 (1) The law enforcement officer has a reasonable suspicion
11 to believe that a person in the vehicle to be pursued
12 has committed or is committing one or more of the
13 following:

14 (A) A felony offense under chapter 707 or 708 that
15 involves physical injury to the person of
16 another;

17 (B) A sexual offense under part V of chapter 707;

18 (C) A first or second degree assault offense under
19 section 707-711 or 707-712 by a person operating
20 a vehicle:

21 (i) In a reckless manner;



- 1 (ii) While under the influence of an intoxicant
- 2 under section 291E-61; or
- 3 (iii) Without regard for the safety of others;
- 4 (D) The offense of abuse of family or household
- 5 members under section 709-906;
- 6 (E) The offense of escape in the first degree under
- 7 section 710-1020;
- 8 (F) The offense of escape in the second degree under
- 9 section 710-1021; or
- 10 (G) The offense of operating a vehicle under the
- 11 influence of an intoxicant under section 291E-61;
- 12 (2) The person appears to be aware that the law
- 13 enforcement officer is signaling the person to stop
- 14 the vehicle and the person appears to engage in
- 15 activities to willfully resist or ignore the law
- 16 enforcement officer's attempt to stop the vehicle,
- 17 including increasing vehicle speed, making evasive
- 18 maneuvers, or operating the vehicle in a reckless
- 19 manner that endangers the safety of the public or the
- 20 law enforcement officer;



1 (3) The vehicular pursuit is necessary to identify or
2 apprehend the person;

3 (4) The person poses a serious risk of harm to others and
4 the law enforcement officer believes that, under the
5 circumstances, the safety risks of failing to
6 apprehend or identify the person are greater than the
7 safety risks of the vehicular pursuit; and

8 (5) The pursuing law enforcement officer notifies a
9 supervising law enforcement officer immediately upon
10 initiating the vehicular pursuit; the supervising law
11 enforcement officer oversees the vehicular pursuit;
12 and the pursuing law enforcement officer, in
13 consultation with the supervising law enforcement
14 officer, considers alternatives to the vehicular
15 pursuit, the justification for the vehicular pursuit,
16 and other safety considerations, including speed,
17 weather, traffic, road conditions, and any known
18 presence of minors in the vehicle.

19 (b) In any vehicular pursuit performed under this section:

20 (1) The pursuing law enforcement officer and the
21 supervising law enforcement officer shall comply with



1 any applicable procedures for designating the primary
2 pursuit vehicle and determining the appropriate number
3 of vehicles permitted to engage in the vehicular
4 pursuit;

5 (2) Either the supervising law enforcement officer,
6 pursuing law enforcement officer, or dispatcher shall
7 notify other law enforcement agencies that may be
8 impacted by the vehicular pursuit or called upon to
9 assist with the vehicular pursuit;

10 (3) To the extent practicable, the pursuing law
11 enforcement officer shall use a common radio channel
12 or other direct means of communication to directly
13 communicate with other law enforcement officers
14 engaging in the vehicular pursuit, the supervising law
15 enforcement officer, and the dispatching law
16 enforcement agency;

17 (4) As soon as practicable after initiating a vehicular
18 pursuit, the pursuing law enforcement officer,
19 supervising law enforcement officer, or responsible
20 law enforcement agency shall develop a plan to end the
21 vehicular pursuit through the use of available pursuit



1 intervention options, techniques, or tactics approved
2 by the applicable law enforcement agency; and

3 (5) The pursuing law enforcement officer shall be
4 certified in at least one pursuit intervention option
5 and, within the two years preceding the vehicular
6 pursuit, have completed an initial emergency vehicle
7 operators course or emergency vehicle operators course
8 update, as applicable; provided that the initial
9 emergency vehicle operators course or emergency
10 vehicle operators course update shall include training
11 on performing the risk assessment analysis described
12 in subsection (a) (4).

13 (c) Any law enforcement officer engaging in a vehicular
14 pursuit that fails to satisfy the requirements of this section
15 shall terminate the pursuit.

16 (d) No law enforcement officer shall fire a weapon upon a
17 moving vehicle unless necessary to protect against an imminent
18 threat of serious physical harm resulting from the operator's or
19 a passenger's use of a deadly weapon; provided that if the
20 operator is using the vehicle as a deadly weapon, a law
21 enforcement officer shall only fire a weapon upon the vehicle if



1 no other reasonable means to avoid potential serious physical
2 harm are immediately available to the law enforcement officer.

3 (e) Each law enforcement agency shall adopt rules pursuant
4 to chapter 91 to effectuate the purposes of this section.

5 (f) As used in this section:

6 "Authorized emergency vehicle" shall have the same meaning
7 as in section 291C-1.

8 "Law enforcement agency" shall have the same meaning as in
9 section 78-52.

10 "Vehicle" shall have the same meaning as in section 286-2.

11 "Vehicular pursuit" or "pursuit" means an attempt by a law
12 enforcement officer in an authorized emergency vehicle to stop a
13 moving vehicle."

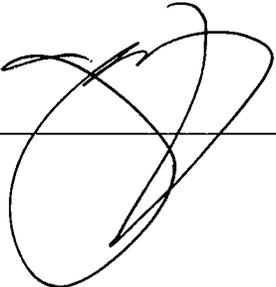
14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

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

19

INTRODUCED BY: _____



S.B. NO. 2237

Report Title:

Law Enforcement Officers; Vehicular Pursuits; Policies;
Restrictions

Description:

Establishes statewide vehicular pursuit policies.

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

