
A BILL FOR AN ACT

RELATING TO VEHICULAR PURSUIT.

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

1 SECTION 1. The legislature appreciates the sanctity of
2 life and acknowledges that vehicular pursuits involving law
3 enforcement are inherently dangerous due to the conditions of
4 the State's roads. Accordingly, the purpose of this Act is to
5 statutorily establish statewide vehicular law enforcement
6 pursuit policies.

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

10 "§139- Vehicular pursuit. (a) No law enforcement
11 officer shall engage in a vehicular pursuit unless:

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



- 1 (A) A felony offense under chapter 707 or 708 that
2 involves physical injury to the person of
3 another;
- 4 (B) A sexual offense under part V of chapter 707;
- 5 (C) A first or second degree assault offense under
6 section 707-710 or 707-711 by a person operating
7 a vehicle:
 - 8 (i) In a reckless manner; or
 - 9 (ii) Without regard for the safety of others;
- 10 (D) The offense of abuse of family or household
11 members under section 709-906;
- 12 (E) The offense of escape in the first degree under
13 section 710-1020;
- 14 (F) The offense of escape in the second degree under
15 section 710-1021; or
- 16 (G) The offense of operating a vehicle under the
17 influence of an intoxicant under section 291E-61;
- 18 (2) The vehicular pursuit is necessary to identify or
19 apprehend the person;
- 20 (3) The person poses a serious risk of harm to others and
21 the law enforcement officer reasonably believes that,



1 under the circumstances, the safety risks of failing
2 to identify or apprehend the person are greater than
3 the safety risks of the vehicular pursuit; and

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

15 (b) In any vehicular pursuit under this section:

16 (1) The pursuing law enforcement officer and the
17 supervising law enforcement officer shall comply with
18 any applicable procedures for designating the primary
19 pursuit vehicle and determining the appropriate number
20 of vehicles permitted to engage in the vehicular
21 pursuit;



- 1 (2) The supervising law enforcement officer, pursuing law
2 enforcement officer, or dispatcher shall notify other
3 law enforcement agencies that may be affected by the
4 vehicular pursuit or called upon to assist with the
5 vehicular pursuit;
- 6 (3) To the extent practicable, the pursuing law
7 enforcement officer shall use a common radio channel
8 or other direct means of communication to directly
9 communicate with other law enforcement officers
10 engaging in the vehicular pursuit, the supervising law
11 enforcement officer, and the dispatching law
12 enforcement agency;
- 13 (4) As soon as practicable after initiating a vehicular
14 pursuit, the pursuing law enforcement officer,
15 supervising law enforcement officer, or responsible
16 law enforcement agency shall develop a plan to end the
17 vehicular pursuit through the use of available pursuit
18 intervention options, techniques, or tactics approved
19 by the applicable law enforcement agency; and
- 20 (5) Upon initiation of a pursuit, the pursuing officer or
21 officers shall immediately activate all emergency



1 warning lights, siren, headlights, motor vehicle
2 recorder, and body-worn camera. If an officer
3 terminates a pursuit without stopping the pursued
4 vehicle, upon terminating the pursuit, the pursuing
5 officer or officers shall immediately cease all
6 emergency vehicle operations, including turning off
7 all emergency warning lights and sirens and
8 disengaging from the fleeing vehicle.

9 (c) Any law enforcement officer who engages in a vehicular
10 pursuit that fails to satisfy the requirements of this section
11 shall terminate the pursuit. The supervising officer shall
12 order the pursuing officer to terminate the pursuit as soon as
13 the supervising officer determines that the pursuit, or
14 continued pursuit, would not be authorized under this section.

15 (d) No law enforcement officer shall fire a weapon at,
16 into, or from a moving vehicle unless:

17 (1) It is necessary to protect against an imminent threat
18 of serious physical harm or death to an officer or
19 another; and

20 (2) That risk cannot be avoided through other reasonable
21 means, including by avoiding the path of the vehicle.



1 (e) Each law enforcement agency shall annually furnish to
2 the department of law enforcement, in a manner defined and
3 prescribed by the department of law enforcement, a report of all
4 vehicular pursuits conducted in the prior year by law
5 enforcement officers employed by the law enforcement agency.

6 (f) Each report required under subsection (e) shall
7 include, at a minimum, the following information for each
8 vehicular pursuit:

- 9 (1) The reason for the pursuit, including the offenses or
10 infractions that served as a basis for the pursuit;
11 (2) The date, start time, and end time of the pursuit;
12 (3) The start and end locations of the pursuit;
13 (4) A summary of the circumstances surrounding the
14 pursuit, including but not limited to the number of
15 law enforcement officers involved, the number of law
16 enforcement vehicles involved, weather conditions, the
17 type of law enforcement vehicles and pursued vehicles
18 involved (e.g., motorcycle, sedan), and maximum
19 speeds;
20 (5) Whether a body-worn camera was worn and active for the
21 duration of the pursuit;



- 1 (6) Whether a dashboard camera was present and active for
2 the duration of the pursuit;
- 3 (7) Whether the pursuit resulted in a crash or collision;
4 injury requiring medical treatment; or death to a law
5 enforcement officer, driver or passenger in the
6 pursued vehicle, or an uninvolved third party;
- 7 (8) If the pursuit resulted in a crash or collision,
8 injury requiring medical treatment, or death, a
9 description of the accident and details of each law
10 enforcement officer, driver or passenger, or
11 uninvolved third party injured or killed, including
12 the type and severity of the injuries sustained by
13 each, if any;
- 14 (9) Why and how the pursuit was discontinued or
15 terminated, including whether the law enforcement
16 officer used any pursuit intervention tactics or
17 tools, and if so, which tactics or tools;
- 18 (10) Unique identification numbers for each pursuing and
19 supervising law enforcement officer;
- 20 (11) If a citation was issued, the violations cited;
- 21 (12) If an arrest was made, the offense charged; and



1 (13) Whether the law enforcement officer searched the
2 person or any property, and, if so, the type of
3 search, the basis for the search, and the type of
4 contraband or evidence discovered, if any.

5 (g) The department of law enforcement shall make all
6 information obtained from law enforcement agencies under
7 subsection (e) publicly available on the department of law
8 enforcement's website, classified by law enforcement agency, in
9 a manner that is clear, understandable, and machine-readable.

10 (h) Any law enforcement agency subject to subsection (e)
11 shall not report or make publicly available the name, address,
12 social security number, or other unique personal identifying
13 information of the persons pursued. Law enforcement agencies
14 are solely responsible for ensuring that personally identifying
15 information of individuals pursued is not transmitted to the
16 department of law enforcement or otherwise released to the
17 public.

18 (i) No later than:

19 (1) January 1, 2026, the department of law enforcement
20 shall adopt rules pursuant to chapter 91 regarding the



1 collection and reporting of data required under this
2 section;

3 (2) January 1, 2026, the board shall develop a model
4 vehicular pursuit policy that is consistent with the
5 requirements of this section and shall seek public
6 comment on the policy in accordance with chapter 91;
7 provided that in its policy, the board shall include
8 guidance on:

9 (A) Supervisory review and investigation of pursuits;

10 and

11 (B) The use of pursuit intervention tools and
12 tactics, including but not limited to vehicle
13 parallelling and vehicle contact action;

14 (3) Three months before July 1, 2026, each law enforcement
15 agency in the State shall adopt a written policy that
16 is consistent with:

17 (A) The requirements of this section;

18 (B) The board's model vehicular pursuit policy; and

19 (C) The department of law enforcement's rules
20 regarding the collection and reporting of data;

21 and



1 (4) July 1, 2026, each law enforcement agency shall make
2 publicly available all of its policies, including
3 procedures, general orders, special orders,
4 regulations, and guidance, related to vehicular
5 pursuits.

6 (j) The policies under subsection (i)(4) shall be presumed
7 to be a public record. Redaction of limited portions of these
8 policies shall be permitted only if:

9 (1) They would be permitted under chapter 92F; and

10 (2) The redacted material, if made public, would
11 substantially and materially undermine ongoing
12 investigations or endanger the life or safety of
13 officers or members of the public.

14 (k) The policies under subsection (i)(4), including their
15 component procedures, general orders, special orders,
16 regulations, and guidance, related to vehicular pursuits, shall
17 include the month and year during which they were last updated.

18 (l) If any law enforcement agency adopts new or revised
19 policies under subsection (i)(4), the policies shall be made
20 publicly available within thirty days of the adoption.



1 (m) The board shall develop minimum requirements for both
2 introductory and in-service training for law enforcement
3 officers and supervising officers on vehicular pursuits to
4 explain the requirements of this section and any implementing
5 rules and guidance. The board shall require law enforcement
6 officers and supervising officers to complete in-service
7 training on vehicular pursuits every two years.

8 (n) Each law enforcement agency shall, as part of its
9 pursuit policies, make clear to law enforcement officers and
10 supervising officers that any violation of the policies shall
11 result in discipline, up to and including termination.

12 (o) The attorney general may investigate and, if
13 warranted, bring a civil action against any law enforcement
14 agency to obtain equitable or declaratory relief to enforce this
15 section.

16 (p) As used in this section:

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

19 "Law enforcement vehicle" means a county law enforcement
20 vehicle, department of law enforcement vehicle, or department of
21 land and natural resources division of conservation and



1 resources enforcement vehicle authorized and approved pursuant
2 to section 291-31.5.

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

4 "Vehicle contact action" means any action undertaken by the
5 pursuing law enforcement officer intended to result in contact
6 between the moving law enforcement vehicle and the pursued
7 vehicle.

8 "Vehicle paralleling" means a deliberate offensive tactic
9 by one or more law enforcement vehicles in which they are driven
10 alongside the pursued vehicle while the pursued vehicle is in
11 motion.

12 "Vehicular pursuit" or "pursuit" means an attempt by a law
13 enforcement officer in a law enforcement vehicle to stop a
14 moving vehicle where the operator of the moving vehicle appears
15 to be aware that the law enforcement officer is signaling the
16 operator of the moving vehicle to stop the vehicle and the
17 operator of the moving vehicle appears to wilfully resist or
18 ignore the law enforcement officer's attempt to stop the vehicle
19 by increasing vehicle speed, making evasive maneuvers, or
20 operating the vehicle in a reckless manner that endangers the
21 safety of the community or law enforcement officer.



1 Following a vehicle whose operator fails to yield to the
2 officer's signal to stop for a brief period of time no longer
3 than necessary to obtain basic information about the vehicle and
4 its occupants does not constitute a pursuit if both the law
5 enforcement officer and operator continue to substantially obey
6 all other traffic laws during the brief period the officer is
7 following the operator, and the officer reasonably believes that
8 briefly following the vehicle would not increase the threat that
9 either the operator's or the officer's driving poses a danger to
10 the safety of the public or other officers."

11 SECTION 3. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 4. New statutory material is underscored.

15 SECTION 5. This Act shall take effect on July 1, 2025.

16

INTRODUCED BY:

Doug Larnas

JAN 16 2025



H.B. NO. 277

Report Title:

Law Enforcement; Vehicular Pursuit Policy

Description:

Establishes a vehicular pursuit policy for law enforcement agencies. Effective 7/1/2026.

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