
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) Assault in the first degree under section 707-710
6 or assault in the second degree under section
7 707-711 by a person operating 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; provided that:

7 (1) The supervising law enforcement officer oversees
8 the vehicular pursuit; and

9 (2) The pursuing law enforcement officer, in
10 consultation with the supervising law enforcement
11 officer, considers:

12 (A) Alternatives to the vehicular pursuit;

13 (B) The justification for the vehicular pursuit;
14 and

15 (C) Other safety factors, including speed,
16 weather, traffic, road conditions, and any
17 known presence of minors in the vehicle.

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

19 (1) The pursuing law enforcement officer and the
20 supervising law enforcement officer shall comply with
21 any applicable procedures for designating the primary



1 pursuit vehicle and determining the appropriate number
2 of vehicles permitted to engage in the vehicular
3 pursuit;

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

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

16 (4) As soon as practicable after initiating a vehicular
17 pursuit, the pursuing law enforcement officer,
18 supervising law enforcement officer, or responsible
19 law enforcement agency shall develop a plan to end the
20 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) Upon initiation of a pursuit, the pursuing officer or
4 officers shall immediately activate all emergency
5 warning lights, siren, headlights, motor vehicle
6 recorder, and body-worn camera. If an officer
7 terminates a pursuit without stopping the pursued
8 vehicle, upon terminating the pursuit, the pursuing
9 officer or officers shall immediately cease all
10 emergency vehicle operations, including turning off
11 all emergency warning lights and sirens and
12 disengaging from the fleeing vehicle.

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

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



1 (1) It is necessary to protect against an imminent risk of
2 serious physical harm or death to an officer or
3 another; and

4 (2) The imminent risk cannot be avoided through other
5 reasonable means, including by avoiding the path of
6 the vehicle.

7 (e) Each law enforcement agency shall annually furnish to
8 the department of law enforcement, in a manner defined and
9 prescribed by the department of law enforcement, a report of all
10 vehicular pursuits conducted in the prior year by law
11 enforcement officers employed by the law enforcement agency.

12 (f) Each report required under subsection (e) shall
13 include, at a minimum, the following information for each
14 vehicular pursuit:

15 (1) The reason for the pursuit, including the offenses or
16 infractions that served as a basis for the pursuit;

17 (2) The date, start time, and end time of the pursuit;

18 (3) The start and end locations of the pursuit;

19 (4) A summary of the circumstances surrounding the
20 pursuit, including but not limited to the number of
21 law enforcement officers involved, the number of law



- 1 enforcement vehicles involved, weather conditions, the
2 type of law enforcement vehicles and pursued vehicles
3 involved (e.g., motorcycle, sedan), and maximum
4 speeds;
- 5 (5) Whether a body-worn camera was worn and active for the
6 duration of the pursuit;
- 7 (6) Whether a dashboard camera was present and active for
8 the duration of the pursuit;
- 9 (7) Whether the pursuit resulted in a crash or collision;
10 injury requiring medical treatment; or death to a law
11 enforcement officer, driver or passenger in the
12 pursued vehicle, or an uninvolved third party;
- 13 (8) If the pursuit resulted in a crash or collision,
14 injury requiring medical treatment, or death, a
15 description of the accident and details of each law
16 enforcement officer, driver or passenger, or
17 uninvolved third party injured or killed, including
18 the type and severity of the injuries sustained by
19 each, if any;
- 20 (9) Why and how the pursuit was discontinued or
21 terminated, including whether the law enforcement



1 officer used any pursuit intervention tactics or
2 tools, and if so, which tactics or tools;

3 (10) Unique identification numbers for each pursuing and
4 supervising law enforcement officer;

5 (11) If a citation was issued, the violations cited;

6 (12) If an arrest was made, the offense charged; and

7 (13) Whether the law enforcement officer searched the
8 person or any property, and, if so, the type of
9 search, the basis for the search, and the type of
10 contraband or evidence discovered, if any.

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

16 (h) No law enforcement agency shall report or make
17 publicly available the name, address, social security number, or
18 other unique personal identifying information of the persons
19 pursued. Law enforcement agencies are solely responsible for
20 ensuring that personally identifying information of individuals



1 pursued is not transmitted to the department of law enforcement
2 or otherwise released to the public.

3 (i) No later than:

4 (1) January 1, 2026, the department of law enforcement
5 shall adopt rules pursuant to chapter 91 regarding the
6 collection and reporting of data required under this
7 section;

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

14 (A) Supervisory review and investigation of pursuits;
15 and

16 (B) The use of pursuit intervention tools and
17 tactics, including but not limited to vehicle
18 paralleling and vehicle contact action;

19 (3) April 1, 2026, each law enforcement agency in the
20 State shall adopt a written policy that is consistent
21 with:



- 1 (A) The requirements of this section;
- 2 (B) The board's model vehicular pursuit policy; and
- 3 (C) The department of law enforcement's rules
- 4 regarding the collection and reporting of data;
- 5 and
- 6 (4) July 1, 2026, each law enforcement agency shall make
- 7 publicly available all of its policies, including
- 8 procedures, general orders, special orders,
- 9 regulations, and guidance, related to vehicular
- 10 pursuits.
- 11 (j) The policies under subsection (i)(4) shall be presumed
- 12 to be a public record. Redaction of limited portions of these
- 13 policies shall be permitted only if:
- 14 (1) They would be permitted under chapter 92F; and
- 15 (2) The redacted material, if made public, would
- 16 substantially and materially undermine ongoing
- 17 investigations or endanger the life or safety of
- 18 officers or members of the public.
- 19 (k) The policies under subsection (i)(4), including their
- 20 component procedures, general orders, special orders,



1 regulations, and guidance, related to vehicular pursuits, shall
2 include the month and year during which they were last updated.

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

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

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

17 (o) The attorney general may investigate and, if
18 warranted, bring a civil action against any law enforcement
19 agency to obtain equitable or declaratory relief to enforce this
20 section.

21 (p) As used in this section:



1 "Law enforcement agency" has the same meaning as in section
2 78-52.

3 "Law enforcement vehicle" means a county law enforcement
4 vehicle, department of law enforcement vehicle, or department of
5 land and natural resources division of conservation and
6 resources enforcement vehicle authorized and approved pursuant
7 to section 291-31.5.

8 "Vehicle" has the same meaning as in section 286-2.

9 "Vehicle contact action" means any action undertaken by the
10 pursuing law enforcement officer intended to result in contact
11 between the moving law enforcement vehicle and the pursued
12 vehicle.

13 "Vehicle paralleling" means a deliberate offensive tactic
14 by one or more law enforcement vehicles in which they are driven
15 alongside the pursued vehicle while the pursued vehicle is in
16 motion.

17 "Vehicular pursuit" or "pursuit" means an attempt by a law
18 enforcement officer in a law enforcement vehicle to stop a
19 moving vehicle where the operator of the moving vehicle appears
20 to be aware that the law enforcement officer is signaling the
21 operator of the moving vehicle to stop the vehicle and the



1 operator of the moving vehicle appears to wilfully resist or
2 ignore the law enforcement officer's attempt to stop the vehicle
3 by increasing vehicle speed, making evasive maneuvers, or
4 operating the vehicle in a reckless manner that endangers the
5 safety of the community or law enforcement officer.

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

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

19 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

Law Enforcement; Vehicular Pursuit Policy

Description:

Establishes a vehicular pursuit policy for law enforcement agencies. Effective 7/1/3000. (HD1)

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

