
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.

5 Accordingly, the purpose of this Act is to statutorily
6 establish statewide vehicular law enforcement 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 a crime;

16 (2) The vehicular pursuit is necessary to identify or
17 apprehend the person;



- 1 (3) The person poses a serious risk of harm to others and
2 the law enforcement officer reasonably believes that,
3 under the circumstances, the safety risks of failing
4 to identify or apprehend the person are greater than
5 the safety risks of the vehicular pursuit; and
- 6 (4) The pursuing law enforcement officer notifies a
7 supervising law enforcement officer immediately upon
8 initiating the vehicular pursuit; provided that:
- 9 (A) The supervising law enforcement officer oversees
10 the vehicular pursuit; and
- 11 (B) The pursuing law enforcement officer, in
12 consultation with the supervising law enforcement
13 officer, considers:
- 14 (i) Alternatives to the vehicular pursuit;
15 (ii) The justification for the vehicular pursuit;
16 and
- 17 (iii) Other safety factors, including speed,
18 weather, traffic, road conditions, and any
19 known presence of minors in the vehicle.
- 20 (b) In any vehicular pursuit under this section:



- 1 (1) The pursuing law enforcement officer and the
2 supervising law enforcement officer shall comply with
3 any applicable procedures for designating the primary
4 pursuit vehicle and determining the appropriate number
5 of vehicles permitted to engage in the vehicular
6 pursuit;
- 7 (2) The supervising law enforcement officer, pursuing law
8 enforcement officer, or dispatcher shall notify other
9 law enforcement agencies that may be affected by the
10 vehicular pursuit or called upon to assist with the
11 vehicular pursuit;
- 12 (3) To the extent practicable, the pursuing law
13 enforcement officer shall use a common radio channel
14 or other direct means of communication to directly
15 communicate with other law enforcement officers
16 engaging in the vehicular pursuit, the supervising law
17 enforcement officer, and the dispatching law
18 enforcement agency;
- 19 (4) As soon as practicable after initiating a vehicular
20 pursuit, the pursuing law enforcement officer,
21 supervising law enforcement officer, or responsible



1 law enforcement agency shall develop a plan to end the
2 vehicular pursuit through the use of available pursuit
3 intervention options, techniques, or tactics approved
4 by the applicable law enforcement agency; and

5 (5) Upon initiation of a pursuit, the pursuing law
6 enforcement officer or officers shall immediately
7 activate all emergency warning lights, siren,
8 headlights, motor vehicle recorder, and body-worn
9 camera. If a law enforcement officer terminates a
10 pursuit without stopping the pursued vehicle, upon
11 terminating the pursuit, the pursuing law enforcement
12 officer or officers shall immediately cease all
13 emergency vehicle operations, including turning off
14 all emergency warning lights and sirens and
15 disengaging from the fleeing vehicle.

16 (c) Any law enforcement officer who engages in a vehicular
17 pursuit that fails to satisfy the requirements of this section
18 shall terminate the pursuit. The supervising law enforcement
19 officer shall order the pursuing law enforcement officer to
20 terminate the pursuit as soon as the supervising law enforcement



1 officer determines that the pursuit, or continued pursuit, would
2 not be authorized under this section.

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

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

8 (2) The imminent risk cannot be avoided through other
9 reasonable means, including by avoiding the path of
10 the vehicle.

11 (e) Each law enforcement agency shall annually furnish to
12 the department of the attorney general, in a manner defined and
13 prescribed by the department of the attorney general, a report
14 of all vehicular pursuits conducted in the prior year by law
15 enforcement officers employed by the law enforcement agency.

16 (f) Each report required under subsection (e) shall
17 include, at a minimum, the following information for each
18 vehicular pursuit:

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

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



- 1 (3) The start and end locations of the pursuit;
- 2 (4) A summary of the circumstances surrounding the
- 3 pursuit, including but not limited to the number of
- 4 law enforcement officers involved, the number of law
- 5 enforcement vehicles involved, weather conditions, the
- 6 type of law enforcement vehicles and pursued vehicles
- 7 involved (e.g., motorcycle or sedan), and maximum
- 8 speeds;
- 9 (5) Whether a body-worn camera was worn and active for the
- 10 duration of the pursuit;
- 11 (6) Whether a dashboard camera was present and active for
- 12 the duration of the pursuit;
- 13 (7) Whether the pursuit resulted in a crash or collision;
- 14 injury requiring medical treatment; or death to a law
- 15 enforcement officer, a driver or passenger in the
- 16 pursued vehicle, or an uninvolved third party;
- 17 (8) If the pursuit resulted in a crash or collision,
- 18 injury requiring medical treatment, or death, a
- 19 description of the accident and details of each law
- 20 enforcement officer, driver or passenger, or
- 21 uninvolved third party injured or killed, including



- 1 the type and severity of the injuries sustained by
2 each, if any;
- 3 (9) Why and how the pursuit was discontinued or
4 terminated, including whether the law enforcement
5 officer used any pursuit intervention tactics or
6 tools, and if so, which tactics or tools;
- 7 (10) Unique identification numbers for each pursuing and
8 supervising law enforcement officer;
- 9 (11) If a citation was issued, the violations cited;
- 10 (12) If an arrest was made, the offense charged; and
- 11 (13) Whether the law enforcement officer searched the
12 person or any property, and, if so, the type of
13 search, the basis for the search, and the type of
14 contraband or evidence discovered, if any.
- 15 (g) The department of the attorney general shall make all
16 information obtained from law enforcement agencies under
17 subsection (e) publicly available on the department of the
18 attorney general's website, classified by law enforcement
19 agency, in a manner that is clear, understandable, and
20 machine-readable.



1 (h) No law enforcement agency shall report or make
2 publicly available the name, address, social security number, or
3 other unique personal identifying information of the persons
4 pursued. Law enforcement agencies are solely responsible for
5 ensuring that personal identifying information of individuals
6 pursued is not transmitted to the department of the attorney
7 general or otherwise released to the public.

8 (i) No later than:

9 (1) January 1, 2026, the department of the attorney
10 general shall adopt rules pursuant to chapter 91
11 regarding the collection and reporting of data
12 required under this section;

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

19 (A) Supervisory review and investigation of pursuits;

20 and



- 1 (B) The use of pursuit intervention tools and
2 tactics, including but not limited to vehicle
3 paralleling and vehicle contact action;
- 4 (3) April 1, 2026, each law enforcement agency in the
5 State shall adopt a written policy that is consistent
6 with:
- 7 (A) The requirements of this section;
8 (B) The board's model vehicular pursuit policy; and
9 (C) The department of the attorney general's rules
10 regarding the collection and reporting of data;
11 and
- 12 (4) July 1, 2026, each law enforcement agency shall make
13 publicly available all of its policies, including
14 procedures, general orders, special orders,
15 regulations, and guidance, related to vehicular
16 pursuits.
- 17 (j) The policies under subsection (i)(4) shall be presumed
18 to be a public record. Redaction of limited portions of these
19 policies shall be permitted only if:
- 20 (1) They would be permitted under chapter 92F; and



1 (2) The redacted material, if made public, would
2 substantially and materially undermine ongoing
3 investigations or endanger the life or safety of
4 officers or members of the public.

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

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

12 (m) The board shall develop minimum requirements for both
13 introductory and in-service training for law enforcement
14 officers and supervising law enforcement officers on vehicular
15 pursuits to explain the requirements of this section and any
16 implementing rules and guidance. The board shall require law
17 enforcement officers and supervising law enforcement officers to
18 complete in-service training on vehicular pursuits every two
19 years.

20 (n) Each law enforcement agency shall, as part of its
21 pursuit policies, make clear to law enforcement officers and



1 supervising law enforcement officers that any violation of the
2 policies shall result in discipline, up to and including
3 termination.

4 (o) The attorney general may investigate and, if
5 warranted, bring a civil action against any law enforcement
6 agency to obtain equitable or declaratory relief to enforce this
7 section.

8 (p) For the purposes of this section:

9 "Law enforcement agency" has the same meaning as defined in
10 section 78-52.

11 "Law enforcement vehicle" means a county law enforcement
12 vehicle, department of law enforcement vehicle, or department of
13 land and natural resources division of conservation and
14 resources enforcement vehicle authorized and approved pursuant
15 to section 291-31.5.

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

17 "Vehicle contact action" means any action undertaken by the
18 pursuing law enforcement officer intended to result in contact
19 between the moving law enforcement vehicle and the pursued
20 vehicle.



1 "Vehicle paralleling" means a deliberate offensive tactic
2 by one or more law enforcement vehicles where they are driven
3 alongside the pursued vehicle while the pursued vehicle is in
4 motion.

5 "Vehicular pursuit" or "pursuit" means an attempt by a law
6 enforcement officer in a law enforcement vehicle to stop a
7 moving vehicle where the operator of the moving vehicle appears
8 to be aware that the law enforcement officer is signaling the
9 operator of the moving vehicle to stop the vehicle and the
10 operator of the moving vehicle appears to wilfully resist or
11 ignore the law enforcement officer's attempt to stop the vehicle
12 by increasing vehicle speed, making evasive maneuvers, or
13 operating the vehicle in a reckless manner that endangers the
14 safety of the community or law enforcement officer.

15 Following a vehicle whose operator fails to yield to the
16 law enforcement officer's signal to stop for a brief period of
17 time no longer than necessary to obtain basic information about
18 the vehicle and its occupants does not constitute a pursuit if
19 both the law enforcement officer and operator continue to
20 substantially obey all other traffic laws during the brief
21 period the officer is following the operator, and the officer



1 reasonably believes that briefly following the vehicle would not
2 increase the threat that either the operator's or the officer's
3 driving poses a danger to the safety of the public or other
4 officers."

5 SECTION 3. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 4. New statutory material is underscored.

9 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. (SD1)

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

