

---

---

# A BILL FOR AN ACT

RELATING TO HATE CRIMES.

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

1           SECTION 1. The legislature finds that comprehensive data  
2 collection and timely reporting are essential to effectively  
3 address hate crimes and protect communities from bias-motivated  
4 violence. Amending Hawaii's existing hate crimes law to mandate  
5 the collection of data of all reported possible hate crimes will  
6 improve transparency, enhance accountability, and provide  
7 policymakers and law enforcement with critical tools to address  
8 these crimes.

9           The purpose of this Act is to require the reporting of all  
10 reported possible hate crimes to appropriate authorities and to  
11 ensure the consistent documentation and analysis of such  
12 incidents.

13           SECTION 2. Section 846-51, Hawaii Revised Statutes, is  
14 amended as follows:

15           1. By adding a new definition to be appropriately inserted  
16 and to read:



1        "Reported hate crime" means any reported incident,  
2 regardless of whether it results in criminal charges, where  
3 there is evidence or indication that bias or prejudice may have  
4 been a motivating factor."

5        2. By amending the definition of "hate crime data" to  
6 read:

7        "'Hate crime data" means information, incident reports,  
8 records, and statistics relating to hate crimes~~[7]~~ and reported  
9 hate crimes, collected by the attorney general."

10        SECTION 3. Section 846-52, Hawaii Revised Statutes, is  
11 amended by amending subsections (a) and (b) to read as follows:

12        "(a) The department of the attorney general shall be  
13 responsible for the collection, storage, dissemination, and  
14 analysis of all hate crime data and reported hate crimes from  
15 all agencies that have primary investigative, action, or program  
16 responsibility for adult or juvenile offenses, including the  
17 county police departments, the county prosecutors, the family  
18 courts, and the departments or agencies responsible for  
19 administering any correctional facilities.

20        (b) The attorney general shall develop the system and the  
21 procedures for reporting, inputting, accessing, and protecting



1 the information concerning the commission of hate crimes and  
2 reported hate crimes and obtaining the agreement of agencies  
3 permitted to directly input and access information."

4 SECTION 4. Section 846-53, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "[+]§846-53[+] **Responsibility of agencies[-]; law**  
7 **enforcement training.** (a) Agencies that have investigative,  
8 detention, custodial, adjudicative, or program responsibility  
9 for adult or juvenile offenses shall cooperate with the attorney  
10 general in establishing the hate crime reporting system by:

11 (1) Providing information in the agency files that can be  
12 included pursuant to the format approved by the  
13 attorney general; provided that the information shall  
14 include the following:

15 (A) The nature of the offense, including specific  
16 evidence or indicators of bias;

17 (B) The demographic information of the victim or  
18 victims and suspect or suspects, if known;

19 (C) The location and date of the incident;

20 (D) The status of the investigation and any resulting  
21 criminal charges or resolutions; and



1           (E) Any other information deemed necessary by the  
2           attorney general;

3           (2) Maintaining procedures internally consistent with  
4           uniform procedures and guidelines provided by the  
5           attorney general;

6           (3) Reporting information to the attorney general that is  
7           timely, complete, and accurate after the occurrence of  
8           an event over which the agency had direct  
9           responsibility; and

10          (4) Maintaining procedures for the periodic checking of  
11          information to minimize the possibility of storing and  
12          maintaining inaccurate information.

13          (b) Law enforcement officers shall receive annual training  
14          to identify, investigate, and document hate crimes and possible  
15          hate crimes, including guidance on recognizing bias indicators  
16          and interacting with impacted communities.

17          (c) Failure to comply with the reporting requirements of  
18          this section may result in administrative penalties as  
19          determined by the attorney general."

20          SECTION 5. The attorney general shall establish or update  
21          guidelines, protocols, and training materials for the reporting



1 and investigation of hate crimes and possible hate crimes within  
2 ninety days of the effective date of this Act.

3 SECTION 6. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2077.



**Report Title:**

AG; Hate Crimes; Reporting; Agencies; Training

**Description:**

Defines "reported hate crime". Requires reporting of all possible reported hate crimes to appropriate authorities, including consistent documentation and analysis of such incidents. Requires law enforcement officers to receive annual training to identify, investigate, and document hate crimes and possible hate crimes. Requires the Attorney General to establish or update guidelines, protocols, and training materials for the reporting and investigation of hate crimes and possible hate crimes. Effective 7/1/2077. (SD1)

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

