

JAN 23 2025

A BILL FOR AN ACT

RELATING TO THE CRANSTON DUKE PIA ACT.

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

1 SECTION 1. The legislature finds that the tragic death in
2 2024 of local rancher Cranston Duke Pia brought critical
3 attention to an issue unequally disadvantaging agricultural
4 workers. Pia was fatally shot in a confrontation with an
5 intruder, whose dogs were attacking Pia's cattle. The defense
6 team for the accused suspect claimed that the act was in self-
7 defense, asserting that Pia had fired a weapon first. This
8 allegation adds a complex layer to the legal and ethical
9 evaluation of the incident.

10 This event was not only a personal tragedy and loss for
11 Pia's family and community but also raised broader questions
12 about the risks agricultural workers face, particularly in
13 remote and isolated locations. This incident served as a stark
14 reminder of the vulnerabilities inherent in the agricultural
15 sector and ignited debates about the sufficiency of Hawaii's
16 current legal protections for individuals defending their
17 property and lives under similar circumstances.



1 The legislature also finds that stand your ground laws have
2 been the focus of extensive debate across the United States,
3 reflecting a complex intersection of legal principles, societal
4 values, and public policy concerns. These laws, which eliminate
5 the duty to retreat before using force in self-defense in public
6 spaces, have been enacted in twenty-six states. Stand your
7 ground laws are often framed as measures to uphold individual
8 rights and enhance personal security. However, their
9 implementation has raised critical questions about public
10 safety, the preservation of life, and the nuanced social and
11 racial dynamics that influence how individuals perceive and
12 respond to threats.

13 The legislature further recognizes the need for a balanced
14 approach that upholds Hawaii's commitment to public safety and
15 the protection of life while addressing the unique challenges
16 faced by agricultural workers. Rooted in Hawaii's history is
17 the law of the splintered paddle, enacted by King Kamehameha I,
18 which ensured the protection and safety of all citizens while
19 warning against acts of harm or violence. This enduring
20 principle reminds us of the importance of safeguarding both
21 individuals and their livelihoods, especially in times of



1 vulnerability. This balance necessitates an informed and
2 nuanced discussion about self-defense laws, grounded in
3 empirical evidence and inclusive of the perspectives of those
4 directly affected. By engaging in this discussion, Hawaii can
5 ensure that its legal framework continues to reflect its values
6 while adapting to the evolving needs of its communities.

7 Accordingly, the purpose of this Act is to safeguard
8 individuals in the agricultural community and their property by
9 amending the State's self-defense laws to deprioritize the duty
10 to retreat in certain circumstances, allowing actors with a
11 legal right to stand their ground on agricultural land to
12 exercise deadly force in justifiable contexts.

13 SECTION 2. This Act shall be known as the "Cranston Duke
14 Pia Act".

15 SECTION 3. Chapter 703, Hawaii Revised Statutes, is
16 amended by adding a new section to be appropriately designated
17 and to read as follows:

18 **"§703- Use of deadly force in self-protection on**
19 **agricultural land.** The actor is not obliged to retreat, has the
20 right to stand the actor's ground, and may justifiably use
21 deadly force in self-protection if the actor is not engaged in



1 criminal activity and is on agricultural land where the actor
2 has a right to be; provided that the actor was not the original
3 aggressor."

4 SECTION 4. Section 703-304, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§703-304 Use of force in self-protection.** (1) Subject
7 to the provisions of this section and of section 703-308, the
8 use of force upon or toward another person is justifiable when
9 the actor believes that such force is immediately necessary for
10 the purpose of protecting [~~himself~~] oneself against the use of
11 unlawful force by the other person on the present occasion.

12 (2) The use of deadly force is justifiable under this
13 section if the actor believes that deadly force is necessary to
14 protect [~~himself~~] oneself against death, serious bodily injury,
15 kidnapping, rape, or forcible sodomy.

16 (3) Except as otherwise provided in subsections (4) and
17 (5) of this section, a person employing protective force may
18 estimate the necessity thereof under the circumstances as [~~he~~]
19 the actor believes them to be when the force is used without
20 retreating, surrendering possession, doing any other act [~~which~~



1 ~~he~~] that the actor has no legal duty to do, or abstaining from
2 any lawful action.

3 (4) The use of force is not justifiable under this
4 section:

5 (a) To resist an arrest which the actor knows is being
6 made by a law enforcement officer, although the arrest
7 is unlawful; or

8 (b) To resist force used by the occupier or possessor of
9 property or by another person on [~~his~~] the occupier or
10 possessor's behalf, where the actor knows that the
11 person using the force is doing so under a claim of
12 right to protect the property[~~, except~~]; provided that
13 this limitation shall not apply if:

14 (i) The actor is a public officer acting in the
15 performance of [~~his~~] the public officer's duties
16 [~~or~~], a person lawfully assisting [~~him~~] the
17 public officer therein, or a person making or
18 assisting in a lawful arrest; or

19 (ii) The actor believes that [~~such~~] force is necessary
20 to protect [~~himself~~] oneself against death or
21 serious bodily injury.



- 1 (5) ~~[The]~~ Notwithstanding any provisions in section
2 703- to the contrary, the use of deadly force is not
3 justifiable under this section if:
- 4 (a) The actor, with the intent of causing death or serious
5 bodily injury, provoked the use of force against
6 ~~[himself]~~ oneself in the same encounter; or
- 7 (b) The actor knows that ~~[he]~~ the actor can avoid the
8 necessity of using ~~[such]~~ force with complete safety
9 by retreating or by surrendering possession of a thing
10 to a person asserting a claim of right thereto or by
11 complying with a demand that ~~[he]~~ the actor abstain
12 from any action ~~[which he]~~ that the actor has no duty
13 to take~~[, except that:];~~ provided that:
- 14 (i) The actor is not obliged to retreat from ~~[his]~~
15 the actor's dwelling or place of work, unless
16 ~~[he]~~ the actor was the initial aggressor or is
17 assailed in ~~[his]~~ the actor's place of work by
18 another person whose place of work the actor
19 knows it to be; and
- 20 (ii) A public officer justified in using force in the
21 performance of ~~[his]~~ the public officer's duties,



1 or a person justified in using force in [~~his~~] the
2 public officer's assistance or [~~a person~~
3 ~~justified in using force~~] in making an arrest or
4 preventing an escape, is not obliged to desist
5 from efforts to perform [~~his~~] the public officer
6 or other justified person's duty, effect the
7 arrest, or prevent the escape because of
8 resistance or threatened resistance by or on
9 behalf of the person against whom the action is
10 directed.

11 (6) The justification afforded by this section extends to
12 the use of confinement as protective force only if the actor
13 takes all reasonable measures to terminate the confinement as
14 soon as [~~he~~] the actor knows that [~~he~~] the actor safely can,
15 unless the person confined has been arrested on a charge of
16 crime."

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 1248

1 SECTION 7. This Act shall take effect upon its approval.

2

INTRODUCED BY:

A handwritten signature in black ink, appearing to read "David M. Puckett", written over a horizontal line. The signature is stylized and includes a large flourish at the end.

S.B. NO. 1248

Report Title:

Cranston Duke Pia Act; Self-Protection; Deadly Force; Duty to Retreat; Stand Your Ground Law; Agricultural Land

Description:

Establishes that, in certain circumstances, an actor rightfully present on agricultural lands may exercise deadly force with a right to stand the actor's ground and not retreat.

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

