
A BILL FOR AN ACT

RELATING TO POLICING.

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

1 SECTION 1. The legislature finds that public trust in law
2 enforcement is critical to ensuring justice for all under the
3 law. The legislature further finds that data collection is an
4 essential tool that allows the public, law enforcement, and
5 policymakers to analyze the effectiveness of existing practices,
6 determine which policies work and do not work, and support
7 policy decisions with clear and relevant data.

8 Numerous states and the District of Columbia have enacted
9 laws to standardize the collection of complete and accurate
10 policing data to increase community trust, transparency, and
11 internal accountability through data analysis. Similarly, in
12 2020, Hawaii enacted Act 47, Session Laws of Hawaii 2020, to
13 standardize best practices for the use of force statewide.

14 The legislature further finds that federal funding is
15 available for the collection of police stop demographic data.
16 The National Highway Traffic Safety Administration administers a
17 grant program under section 1906 of the Safe, Accountable,



1 Flexible, Efficient Transportation Equity Act: A Legacy for
2 Users, and this grant program was reauthorized through the
3 Infrastructure Investment and Jobs Act in November 2021.
4 Section 1906 grants are available to encourage states to
5 maintain and allow public inspection of statistical information
6 on the race and ethnicity of drivers stopped by law enforcement.

7 The purpose of this Act is to require:

8 (1) Law enforcement agencies and police oversight agencies
9 to collect and report certain data regarding law
10 enforcement stops, uses of force, and complaints to
11 the Hawaii Crime Lab affiliated with the university of
12 Hawaii; and

13 (2) The Hawaii Crime Lab affiliated with the university of
14 Hawaii to collect and publish incident-level
15 information and an annual report on the data
16 collected.

17 SECTION 2. Chapter 139, Hawaii Revised Statutes, is
18 amended by adding a new part to be appropriately designated and
19 to read as follows:

20 "PART . LAW ENFORCEMENT DATA COLLECTION AND REPORTING

21 §139- Definitions. As used in this part:



1 "Central reporting entity" means the Hawaii Crime Lab
2 affiliated with the university of Hawaii, or any successor
3 entity selected by the governor to collect and report data under
4 this part.

5 "Complaint" means any allegation of unlawful, unauthorized,
6 or otherwise inappropriate conduct by a law enforcement officer
7 against a member of the public.

8 "Law enforcement stop" or "stop" means any encounter,
9 whether on foot or in a vehicle, between a law enforcement
10 officer and a member of the public, whether initiated by the
11 officer or conducted in response to a call for service, that:

12 (1) Constitutes a non-consensual stop or a stop that would
13 make a reasonable person feel that they are not free
14 to leave or otherwise end the encounter; or

15 (2) Culminates in a consensual or non-consensual frisk,
16 search, seizure of property, or arrest of a person,
17 including an arrest pursuant to an outstanding
18 warrant.

19 "Law enforcement stop" does not include a detention or search of
20 a vehicle or pedestrian at a roadblock or checkpoint that is
21 conducted based on a neutral formula that does not include any



1 personal characteristics or attributes. "Law enforcement stop"
2 includes a vehicle or pedestrian at a roadblock or checkpoint
3 that is singled out for additional screening or inspection based
4 on individualized suspicion or personal characteristics.

5 "Physical force" means the use of physical effort or the
6 application of a tool, technique, or weapon intended to induce a
7 person's compliance or overcome a person's resistance.

8 "Physical force" does not include physical contact used solely
9 for facilitating custody of a fully compliant person, such as
10 the application of handcuffs on a cooperative arrestee.

11 "Police oversight agency" means any agency, board, or
12 commission created by a political subdivision to accept and
13 review complaints against police officers employed by the
14 political subdivision.

15 "Publicly available" means posted conspicuously in a text-
16 searchable format that is accessible at no cost.

17 "Serious bodily injury" means bodily injury that results in
18 a permanent disfigurement; extreme physical pain; loss or
19 impairment of a bodily function, limb, or organ; or a
20 substantial risk of death.

21 "Use of force" means:



- (1) Use of physical force against a person that results in death, serious bodily injury, or any other injury requiring medical treatment or evaluation;
- (2) Discharge of a firearm at or in the direction of another person, regardless of whether injury occurs;
- (3) Use of a weapon against a person; or
- (4) Deployment of a canine against a person.

§139- Law enforcement stops; uses of force; complaints; annual report. (a) Beginning January 1, 2028:

- (1) The chief or director of each law enforcement agency shall submit to the central reporting entity an annual report of all law enforcement stops and uses of force conducted in the prior year by law enforcement officers employed by the law enforcement agency and complaints received by the law enforcement agency; and
- (2) Each police oversight agency shall submit to the central reporting entity an annual report of all complaints received.

The reporting period shall be from January 1 to December 31 of the year immediately before the year of the report submission.



1 (b) At minimum, the report shall include the following
2 information for each law enforcement stop:

3 (1) Whether the person was in a motor vehicle at the time
4 of the stop;

5 (2) The date, time, location, and approximate duration of
6 the stop; provided that if the encounter occurs at or
7 near a specific residential address, officers shall
8 include either the nearest cross street or block
9 number to avoid revealing the identity of the person
10 stopped;

11 (3) The reason for the stop;

12 (4) Whether a search was conducted during the stop and, if
13 a search was conducted:

14 (A) The basis for the search;

15 (B) Whether the officer requested consent to search
16 the person or the person's property and, if so,
17 whether consent was provided;

18 (C) Whether person, property, or both was searched
19 and, if so, the type of search used; and

20 (D) Whether contraband or property was seized during
21 the search and, if so, the type and amount of



- 1 contraband or property that was seized and the
2 basis for the seizure;
- 3 (5) The final outcome of the stop, including whether:
- 4 (A) A warning was issued and, if so, the reasons for
5 the warning;
- 6 (B) A citation was issued and, if so, the violation
7 charged; and
- 8 (C) An arrest was made and, if so, all criminal
9 offenses charged;
- 10 (6) The total number of persons involved in the stop;
- 11 (7) The perceived age, race, and gender of each person
12 involved in the stop; provided that for vehicle stops,
13 this information need only be provided for the driver,
14 unless a passenger was searched, cited, arrested, or
15 subjected to physical force;
- 16 (8) The perceived disability status of each person
17 involved in the stop;
- 18 (9) Whether the person stopped appeared to be experiencing
19 a mental health or behavioral crisis;
- 20 (10) The use or perceived use of alcohol or drugs of each
21 person involved in the stop;



- 1 (11) The residential zip code of each person involved or
- 2 their homelessness status;
- 3 (12) The total number of officers involved in the stop;
- 4 (13) The name, age, race, gender, and beat or type of
- 5 assignment of each officer involved in the stop;
- 6 (14) Whether force was used and, if so, the reason for the
- 7 use of force;
- 8 (15) Whether the officer pointed a firearm or electric gun
- 9 as defined under section 134-81 at any person;
- 10 (16) Whether a law enforcement canine performed a sniff
- 11 and, if so, whether the canine was alerted to the
- 12 presence of contraband;
- 13 (17) For vehicle stops, whether the officer ordered any
- 14 person to exit the vehicle; and
- 15 (18) Whether the officer handcuffed or physically
- 16 restrained any person during the stop.
- 17 (c) The report shall include the following information for
- 18 each use of force incident:
- 19 (1) The type of force used;
- 20 (2) The date, time, and location of the use of force
- 21 incident; provided that if the incident occurs at or



1 near a specific residential address, officers shall
2 include either the nearest cross street or block
3 number to avoid revealing the identity of the person
4 against whom force was directed;

5 (3) The reason for initial contact with the person and, if
6 the initial contact was due to suspicion of unlawful
7 activity, the most serious offense the person was
8 suspected of;

9 (4) The type and severity of the injuries sustained, if
10 any;

11 (5) The total number of persons involved in the use of
12 force incident;

13 (6) The perceived age, race, and gender of each person
14 involved in the use of force incident;

15 (7) The perceived disability status of each person against
16 whom force was directed;

17 (8) Whether the person against whom force was directed
18 appeared to be experiencing a mental health or
19 behavioral crisis;

20 (9) The perceived use of alcohol or drugs of each person
21 against whom force was directed;



- 1 (10) The residential zip code of each person involved in
2 the use of force incident or their homelessness
3 status;
- 4 (11) Any actions by the person against whom force was
5 directed that led to the officer's decision to use
6 force;
- 7 (12) Whether:
- 8 (A) The officer perceived the person against whom
9 force was directed to be armed and, if so, the
10 type of weapon the officer perceived; and
- 11 (B) The person was actually armed and, if so, the
12 type of weapon the person was armed with;
- 13 (13) The total number of officers involved in the use of
14 force incident;
- 15 (14) The number of non-law enforcement persons involved in
16 the use of force incident;
- 17 (15) The name, age, race, and gender of each officer
18 involved in the use of force incident; and
- 19 (16) Whether the use of force report was filed by the
20 officer who engaged in the use of force or another
21 officer who observed the use of force.



1 (d) The report shall include the following information for
2 each complaint received by a law enforcement agency or police
3 oversight agency:

4 (1) The date on which the complaint was received and the
5 alleged date, time, and location of the incident;
6 provided that if the incident occurs at or near a
7 specific residential address, officers shall include
8 either the nearest cross street or block number to
9 avoid revealing the identity of the person who
10 submitted the complaint or is the complainant;

11 (2) The race, age, and gender of the complainant, if
12 known;

13 (3) The nature of the alleged misconduct; provided that
14 the central reporting entity shall define categories
15 of misconduct;

16 (4) Whether the complaint was or is being investigated
17 and, if so, the status or conclusion of the
18 investigation, including whether the investigation is
19 pending, unfounded, or sustained;



(5) The name or unique identification number of each officer alleged to have engaged in misconduct, if known;

(6) The beat or type of assignment of each officer; and

(7) The disciplinary action taken by the law enforcement agency or police oversight agency, if any, and whether the disciplinary action is final or pending the resolution of an appeal or challenge.

(e) For the purposes of this section, "received" means a complaint has been submitted to a law enforcement agency or police oversight agency in accordance with the agency's publicly available procedures for filing a complaint. "Received" includes a complaint that otherwise complies with the agency's procedures but is submitted anonymously, is not signed by the complainant, or is submitted by a third party.

§139- Public access; record retention; privacy; data review. (a) The central reporting entity shall make all incident-level information collected pursuant to this part publicly available on the central reporting entity's website in a clear, machine-readable format on an annual basis. The central reporting entity shall also issue an annual report with



1 a summary of data and visual displays that include but are not
2 limited to graphs and charts showing trends related to law
3 enforcement stops, including arrests made pursuant to a stop;
4 uses of force; and complaints.

5 (b) The chief or director of each law enforcement agency
6 shall retain the electronic and paper records relating to law
7 enforcement stops, including arrests made pursuant to a stop,
8 uses of force, and complaints in accordance with the agency's
9 record retention policy, or for at least five years after the
10 information is submitted to the central reporting entity,
11 whichever period is longer.

12 (c) Law enforcement agencies and police oversight agencies
13 shall not report or make publicly available the name, address,
14 social security number, or other unique personal identifying
15 information of any person stopped, against whom use of force was
16 directed, or who submitted a complaint or is the complainant.
17 Law enforcement agencies and police oversight agencies are
18 solely responsible for ensuring that the personally identifying
19 information of the person stopped, against whom use of force was
20 directed, or who submitted the complaint or is the complainant



1 is not transmitted to the central reporting entity or released
2 to the public.

3 (d) Each law enforcement agency shall develop and make
4 publicly available a policy governing review and auditing of all
5 data collected under this part.

6 **§139- Rules.** (a) No later than March 1, 2027, the
7 department of the attorney general, in coordination with the
8 central reporting entity, shall adopt rules pursuant to
9 chapter 91 for the collection and reporting of data required
10 under this part.

11 (b) The rules shall specify all data to be reported, and
12 provide standards, definitions, and technical specifications
13 consistent with the requirements of this part to ensure uniform
14 reporting practices across all reporting agencies.

15 (c) To the greatest extent possible, the rules shall be
16 compatible with any similar federal data collection or reporting
17 programs.

18 **§139- Enforcement mechanisms.** (a) The chief or
19 director of each law enforcement agency and police oversight
20 agency shall certify annually in writing to the central
21 reporting entity that the law enforcement agency or police



1 oversight agency complied with all requirements set forth in
2 this part during the previous calendar year.

3 (b) The department of the attorney general may investigate
4 and, if warranted, bring a civil action against any agency to
5 obtain equitable or declaratory relief to enforce the
6 requirements of this part.

7 (c) Any person who resides within the jurisdiction of a
8 law enforcement agency or police oversight agency subject to
9 this part may bring a civil action against the law enforcement
10 agency or police oversight agency to obtain equitable or
11 declaratory relief to enforce the disclosure requirements of
12 this part to which they are entitled herein. A prevailing
13 plaintiff shall be entitled to reasonable attorney's fees and
14 costs.

15 (d) No action may be commenced under this part against a
16 law enforcement agency or police oversight agency unless the
17 plaintiff has provided written notice of the alleged violation
18 to the agency at least sixty days before filing suit, in a
19 manner that is reasonably calculated to allow the agency to cure
20 the alleged violation.



1 §139- Federal grant funding for data collection.

2 Funding for the section 1906 grant program, authorized under the
3 Safe, Accountable, Flexible, Efficient Transportation Equity
4 Act: A Legacy for Users, P.L. 109-59, shall be administered by
5 the central reporting entity for the purposes of this part."

6 SECTION 3. Chapter 139, Hawaii Revised Statutes, is
7 amended by amending its title to read as follows:

8 "CHAPTER 139

9 LAW ENFORCEMENT STANDARDS AND DATA COLLECTION"

10 SECTION 4. Chapter 139, Hawaii Revised Statutes, is
11 amended by designating section 139-1 as part I, entitled
12 "General Provisions".

13 SECTION 5. Chapter 139, Hawaii Revised Statutes, is
14 amended by designating sections 139-2 to 139-9 as part II,
15 entitled "Law Enforcement Standards Board; Officer Standards,
16 Training, and Certification".

17 SECTION 6. Chapter 139, Hawaii Revised Statutes, is
18 amended by designating sections 139-10 to 139-12 as part III,
19 entitled "Law Enforcement Policies and Accountability".

20 SECTION 7. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 8. This Act shall take effect upon its approval.

2

INTRODUCED BY:

Dan Carnes

JAN 22 2026



H.B. NO. 1790

Report Title:

UH; Hawaii Crime Lab; AG; Law Enforcement Stops; Uses of Force; Complaints

Description:

Requires law enforcement agencies and police oversight agencies to collect and report certain data regarding law enforcement stops, uses of force, and complaints to the Hawaii Crime Lab affiliated with the University of Hawaii. Requires the Hawaii Crime Lab to collect and publish incident-level information and an annual report on the data collected. Requires the Department of the Attorney General to adopt rules, in coordination with the Hawaii Crime Lab.

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

