

JAN 23 2026

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## 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:



## §139- Law enforcement stops; uses of force; complaints;

9 annual report. (a) Beginning January 1, 2028:

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

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



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                   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.



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;



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

§139- Public access; record retention; privacy; data

17 **review.** (a) The central reporting entity shall make all  
18 incident-level information collected pursuant to this part  
19 publicly available on the central reporting entity's website in  
20 a clear, machine-readable format on an annual basis. The  
21 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           **S139-       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:

Karl Rhoads



# S.B. NO. 2129

**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.*

