

JAN 28 2026

A BILL FOR AN ACT

RELATING TO USE OF FORCE IN SELF-PROTECTION.

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

1 SECTION 1. The legislature finds that agriculture is a
2 crucial industry in the State. Existing self-defense laws
3 operate from an asymmetrical default. When an individual
4 resorts to deadly force, the law imposes a heightened threshold
5 of mental awareness, situational understanding, and decision-
6 making rationality, requiring the individual to perceive the
7 nature of the threat, assess available alternatives, and select
8 a legally permissible response under rapidly evolving
9 circumstances. This asymmetry is especially pronounced on
10 agricultural lands where spatial isolation, limited access to
11 immediate law enforcement assistance, and the practical
12 realities of active agricultural operations constrain the range
13 of immediate and feasible options available to farmers and
14 ranchers. In the absence of a stand-your-ground law,
15 individuals engaged in lawful agricultural activity may be held
16 to legal expectations that do not fully account for these
17 operational realities, thereby creating a structural mismatch



1 between doctrinal self-defense standards and the conditions
2 under which confrontations on agricultural lands typically
3 occur. In this context, the absence of a stand your ground law
4 does not merely preserve a duty to retreat, it effectively
5 presumes the availability of retreat, rational deliberations, or
6 the immediate availability of law enforcement officers under
7 conditions that often do not exist in active agricultural
8 settings.

9 The legislature further finds that this doctrinal framework
10 assumes that the duty to retreat and exhaust all avenues of
11 avoidance prior to using deadly force is the normative
12 contextual basis in which agricultural workers engage while
13 working ranches and farmlands. Often agricultural work is
14 conducted in rural, geographically isolated locations, far
15 removed from the immediate availability of adequate law
16 enforcement responses, rendering these isolated locations
17 particularly vulnerable to agricultural theft, vandalism,
18 trespassing, and escalations in physical confrontations. The
19 existing self-defense doctrine, while neutral on its face, may
20 function differently in agricultural contexts, and thereby
21 warrants legislative action.



1 The legislature further finds that according to the Hawaii
2 Agricultural Theft and Vandalism Survey 2024, during the 2024
3 observation period, there were 2,312 incidents of theft, fifty-
4 nine incidents of vandalism, and 9,224 incidents of trespassing
5 on agricultural properties. Most concerning were the number of
6 instances where threats of violence arose from trespassing
7 incidents, recorded at one hundred forty-five. Respondents
8 noted that the elapsed time between a report of an incident of
9 theft, vandalism, or trespassing and the response from law
10 enforcement officers averaged less than three days ninety-one
11 per cent of the time. Only forty-seven arrests were made in
12 response to these reports, a mere 7.3 per cent of the total
13 number of incidents reported to authorities. 22.5 per cent of
14 recorded trespassing incidents were reported as violent
15 encounters; therefore, two out of every ten trespassing
16 encounters may result in a violent interaction requiring the use
17 of self-defense. Therefore, the legislature seeks to strike a
18 balance that enhances legal protections for agricultural workers
19 at risk of violent interactions without diminishing agricultural
20 activity, the sanctity of human life, or public safety at-large.



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1 Therefore, the purpose of this Act is to amend the State's
2 self-defense laws to deprioritize the duty to retreat in certain
3 circumstances, allowing agricultural workers a legal right to
4 stand their ground to exercise deadly force in justifiable
5 contexts.

6 SECTION 2. Section 703-300, Hawaii Revised Statutes, is
7 amended by adding a new definition to be appropriately inserted
8 and to read as follows:

9 ""Agricultural land" means any land in excess of one acre,
10 including adjacent and contiguous land parcels managed as one
11 unit collectively, used primarily for a farming operation, as
12 defined in section 165-2, including land used for farm buildings
13 and dwellings, roads, and irrigation infrastructure associated
14 with the agricultural land."

15 SECTION 3. Section 703-304, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§703-304 Use of force in self-protection.** (1) Subject
18 to the provisions of this section and of section 703-308, the
19 use of force upon or toward another person is justifiable when
20 the actor believes that such force is immediately necessary for
21 the purpose of protecting ~~[himself]~~ the actor's person against



1 the use of unlawful force by the other person on the present
2 occasion.

3 (2) The use of deadly force is justifiable under this
4 section if the actor believes that deadly force is necessary to
5 protect ~~[himself]~~ the actor's person against death, serious
6 bodily injury, kidnapping, rape, or forcible sodomy.

7 (3) Except as otherwise provided in subsections (4) and
8 (5) ~~[of this section]~~, a person employing protective force may
9 estimate the necessity thereof under the circumstances as ~~[he]~~
10 the person believes them to be when the force is used without
11 retreating, surrendering possession, doing any other act ~~[which~~
12 ~~he]~~ that the person has no legal duty to do, or abstaining from
13 any lawful action.

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

16 (a) To resist an arrest which the actor knows is being
17 made by a law enforcement officer, although the arrest
18 is unlawful; or

19 (b) To resist force used by the occupier or possessor of
20 property or by another person on ~~[his]~~ the occupier's
21 or possessor's behalf, where the actor knows that the



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1 person using the force is doing so under a claim of
2 right to protect the property[~~, except~~]; provided that
3 this limitation shall not apply if:

4 (i) The actor is a public officer acting in the
5 performance of [~~his~~] the public officer's duties
6 [~~or~~], a person lawfully assisting [~~him~~] the
7 public officer therein, or a person making or
8 assisting in a lawful arrest; or

9 (ii) The actor believes that [~~such~~] force is necessary
10 to protect [~~himself~~] the actor's person against
11 death or serious bodily injury.

12 (5) The use of deadly force is not justifiable under this
13 section if:

14 (a) The actor, with the intent of causing death or serious
15 bodily injury, provoked the use of force against
16 [~~himself~~] the actor's self in the same encounter; or

17 (b) The actor knows that [~~he~~] the actor can avoid the
18 necessity of using such force with complete safety by
19 retreating or by surrendering possession of a thing to
20 a person asserting a claim of right thereto or by
21 complying with a demand that [~~he~~] the actor abstain



1 from any action which ~~[he]~~ the actor has no duty to
2 take, except that:

3 (i) The actor is not obliged to retreat from ~~[his]~~
4 the actor's dwelling or place of work, unless
5 ~~[he]~~ the actor was the initial aggressor or is
6 assailed in ~~[his]~~ the actor's place of work by
7 another person whose place of work the actor
8 knows it to be; ~~[and]~~

9 (ii) The actor is not obliged to retreat from
10 agricultural lands if the actor is lawfully
11 present as an owner, lessee, employee, or agent
12 of the State, unless the actor was the initial
13 aggressor; and

14 ~~[(+ii)]~~ (iii) A public officer justified in using force
15 in the performance of ~~[his]~~ the public officer's
16 duties, or a person justified in using force in
17 ~~[his]~~ the public officer's assistance or a person
18 justified in using force in making an arrest or
19 preventing an escape, is not obliged to desist
20 from efforts to perform ~~[his]~~ the public officer
21 or other justified person's duty, effect the



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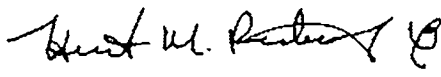
1 arrest, or prevent the escape because of
2 resistance or threatened resistance by or on
3 behalf of the person against whom the action is
4 directed.

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

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY: 



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Report Title:

Stand Your Ground; Self-Defense; Defense of Other Persons; Duty to Retreat; Agricultural Lands; Agricultural Workers

Description:

Provides that an actor is not obliged to retreat for purposes of self-defense and defense of others, from agricultural lands if the actor is lawfully present as an owner, lessee, employee, or agent of the State, unless the actor was the initial aggressor.

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