THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 3060

JAN 2 8 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The actor is not obliged to retreat 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; and

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

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

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

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

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

INTRODUCED BY: _____

S.B. NO. 3060

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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