

ACT 183

H.B. NO. 4

A Bill for an Act Relating to Police Roadblock Programs.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. In State v. Fedak, 9 Haw. App. 98 (1992), the Hawaii intermediate court of appeals ruled that internal police roadblock procedures exceeding the minimum statutory roadblock requirements, as set out in section 286-162.6, Hawaii Revised Statutes (HRS), must be “scrupulously” followed and that failure to do so will result in a determination that motor vehicles stopped at such a roadblock have been improperly seized. The legislature finds and declares that it did not intend this

outcome in enacting sections 286-162.5 and 286-162.6 of the Hawaii Revised Statutes. Accordingly, the purpose of this Act is to clarify that, in the case of internal police procedures that do not fall within the definition of "rule" under section 91-1(4), failure to comply scrupulously with such internal police procedures shall not invalidate a roadblock that otherwise meets the minimum statutory criteria provided in section 286-162.6.

SECTION 2. Section 286-162.5, Hawaii Revised Statutes, is amended to read as follows:

"§286-162.5 Authorization to establish intoxication and drug control roadblock programs. The police departments of the respective counties are authorized to establish and implement intoxication and drug control roadblock programs in accordance with the minimum standards and guidelines provided in section 286-162.6. The chief of police in any county establishing an intoxication and drug control roadblock program pursuant to this section shall specify the procedures to be followed in carrying out the program in rules adopted under chapter 91; provided that the procedures shall be in conformity with and not more intrusive than the standards and guidelines described in section 286-162.6. In the case of internal police procedures that do not fall within the definition of "rule" under section 91-1(4), failure to comply scrupulously with such internal police procedures shall not invalidate a roadblock that otherwise meets the minimum statutory criteria provided in section 286-162.6."

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved July 2, 1999.)