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# A BILL FOR AN ACT

RELATING TO VEHICULAR PURSUIT.

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

1           SECTION 1. The legislature appreciates the sanctity of  
2 life and acknowledges that vehicular pursuits involving law  
3 enforcement are inherently dangerous due to the conditions of  
4 the State's roads. Accordingly, the purpose of this Act is to  
5 statutorily establish statewide vehicular law enforcement  
6 pursuit policies.

7           SECTION 2. Chapter 139, Hawaii Revised Statutes, is  
8 amended by adding a new section to be appropriately designated  
9 and to read as follows:

10           "§139-       Vehicular pursuit. (a) No law enforcement  
11 officer shall engage in a vehicular pursuit unless:

12           (1) The law enforcement officer has a reasonable suspicion  
13           to believe that a person in the vehicle to be pursued  
14           is attempting to commit, has committed, or is  
15           committing one or more of the following:



- 1           (A) A felony offense under chapter 707 or 708 that  
2           involves physical injury to the person of  
3           another;
- 4           (B) A sexual offense under part V of chapter 707;
- 5           (C) Assault in the first degree under section 707-710  
6           or assault in the second degree under section  
7           707-711 by a person operating a vehicle:
- 8           (i) In a reckless manner; or
- 9           (ii) Without regard for the safety of others;
- 10          (D) The offense of abuse of family or household  
11          members under section 709-906;
- 12          (E) The offense of escape in the first degree under  
13          section 710-1020;
- 14          (F) The offense of escape in the second degree under  
15          section 710-1021; or
- 16          (G) The offense of operating a vehicle under the  
17          influence of an intoxicant under section 291E-61;
- 18          (2) The vehicular pursuit is necessary to identify or  
19          apprehend the person;
- 20          (3) The person poses a serious risk of harm to others and  
21          the law enforcement officer reasonably believes that,



1           under the circumstances, the safety risks of failing  
2           to identify or apprehend the person are greater than  
3           the safety risks of the vehicular pursuit; and

4           (4) The pursuing law enforcement officer notifies a  
5           supervising law enforcement officer immediately upon  
6           initiating the vehicular pursuit; provided that:

7           (1) The supervising law enforcement officer oversees  
8           the vehicular pursuit; and

9           (2) The pursuing law enforcement officer, in  
10           consultation with the supervising law enforcement  
11           officer, considers:

12           (A) Alternatives to the vehicular pursuit;

13           (B) The justification for the vehicular pursuit;  
14           and

15           (C) Other safety factors, including speed,  
16           weather, traffic, road conditions, and any  
17           known presence of minors in the vehicle.

18           (b) In any vehicular pursuit under this section:

19           (1) The pursuing law enforcement officer and the  
20           supervising law enforcement officer shall comply with  
21           any applicable procedures for designating the primary



1           pursuit vehicle and determining the appropriate number  
2           of vehicles permitted to engage in the vehicular  
3           pursuit;

4           (2) The supervising law enforcement officer, pursuing law  
5           enforcement officer, or dispatcher shall notify other  
6           law enforcement agencies that may be affected by the  
7           vehicular pursuit or called upon to assist with the  
8           vehicular pursuit;

9           (3) To the extent practicable, the pursuing law  
10           enforcement officer shall use a common radio channel  
11           or other direct means of communication to directly  
12           communicate with other law enforcement officers  
13           engaging in the vehicular pursuit, the supervising law  
14           enforcement officer, and the dispatching law  
15           enforcement agency;

16           (4) As soon as practicable after initiating a vehicular  
17           pursuit, the pursuing law enforcement officer,  
18           supervising law enforcement officer, or responsible  
19           law enforcement agency shall develop a plan to end the  
20           vehicular pursuit through the use of available pursuit



1 intervention options, techniques, or tactics approved  
2 by the applicable law enforcement agency; and  
3 (5) Upon initiation of a pursuit, the pursuing officer or  
4 officers shall immediately activate all emergency  
5 warning lights, siren, headlights, motor vehicle  
6 recorder, and body-worn camera. If an officer  
7 terminates a pursuit without stopping the pursued  
8 vehicle, upon terminating the pursuit, the pursuing  
9 officer or officers shall immediately cease all  
10 emergency vehicle operations, including turning off  
11 all emergency warning lights and sirens and  
12 disengaging from the fleeing vehicle.

13 (c) Any law enforcement officer who engages in a vehicular  
14 pursuit that fails to satisfy the requirements of this section  
15 shall terminate the pursuit. The supervising officer shall  
16 order the pursuing officer to terminate the pursuit as soon as  
17 the supervising officer determines that the pursuit, or  
18 continued pursuit, would not be authorized under this section.

19 (d) No law enforcement officer shall fire a weapon at,  
20 into, or from a moving vehicle unless:



1       (1) It is necessary to protect against an imminent risk of  
2       serious physical harm or death to an officer or  
3       another; and

4       (2) The imminent risk cannot be avoided through other  
5       reasonable means, including by avoiding the path of  
6       the vehicle.

7       (e) Each law enforcement agency shall annually furnish to  
8       the department of law enforcement, in a manner defined and  
9       prescribed by the department of law enforcement, a report of all  
10      vehicular pursuits conducted in the prior year by law  
11      enforcement officers employed by the law enforcement agency.

12      (f) Each report required under subsection (e) shall  
13      include, at a minimum, the following information for each  
14      vehicular pursuit:

15      (1) The reason for the pursuit, including the offenses or  
16      infractions that served as a basis for the pursuit;

17      (2) The date, start time, and end time of the pursuit;

18      (3) The start and end locations of the pursuit;

19      (4) A summary of the circumstances surrounding the  
20      pursuit, including but not limited to the number of  
21      law enforcement officers involved, the number of law



- 1 enforcement vehicles involved, weather conditions, the  
2 type of law enforcement vehicles and pursued vehicles  
3 involved (e.g., motorcycle, sedan), and maximum  
4 speeds;
- 5 (5) Whether a body-worn camera was worn and active for the  
6 duration of the pursuit;
- 7 (6) Whether a dashboard camera was present and active for  
8 the duration of the pursuit;
- 9 (7) Whether the pursuit resulted in a crash or collision;  
10 injury requiring medical treatment; or death to a law  
11 enforcement officer, driver or passenger in the  
12 pursued vehicle, or an uninvolved third party;
- 13 (8) If the pursuit resulted in a crash or collision,  
14 injury requiring medical treatment, or death, a  
15 description of the accident and details of each law  
16 enforcement officer, driver or passenger, or  
17 uninvolved third party injured or killed, including  
18 the type and severity of the injuries sustained by  
19 each, if any;
- 20 (9) Why and how the pursuit was discontinued or  
21 terminated, including whether the law enforcement



1           officer used any pursuit intervention tactics or  
2           tools, and if so, which tactics or tools;

3       (10) Unique identification numbers for each pursuing and  
4           supervising law enforcement officer;

5       (11) If a citation was issued, the violations cited;

6       (12) If an arrest was made, the offense charged; and

7       (13) Whether the law enforcement officer searched the  
8           person or any property, and, if so, the type of  
9           search, the basis for the search, and the type of  
10          contraband or evidence discovered, if any.

11       (g) The department of law enforcement shall make all  
12 information obtained from law enforcement agencies under  
13 subsection (e) publicly available on the department of law  
14 enforcement's website, classified by law enforcement agency, in  
15 a manner that is clear, understandable, and machine-readable.

16       (h) No law enforcement agency shall report or make  
17 publicly available the name, address, social security number, or  
18 other unique personal identifying information of the persons  
19 pursued. Law enforcement agencies are solely responsible for  
20 ensuring that personally identifying information of individuals





1 pursued is not transmitted to the department of law enforcement  
2 or otherwise released to the public.

3 (i) No later than:

4 (1) January 1, 2026, the department of law enforcement  
5 shall adopt rules pursuant to chapter 91 regarding the  
6 collection and reporting of data required under this  
7 section;

8 (2) January 1, 2026, the board shall develop a model  
9 vehicular pursuit policy that is consistent with the  
10 requirements of this section and shall seek public  
11 comment on the policy in accordance with chapter 91;  
12 provided that in its policy, the board shall include  
13 guidance on:

14 (A) Supervisory review and investigation of pursuits;  
15 and

16 (B) The use of pursuit intervention tools and  
17 tactics, including but not limited to vehicle  
18 paralleling and vehicle contact action;

19 (3) April 1, 2026, each law enforcement agency in the  
20 State shall adopt a written policy that is consistent  
21 with:



- 1           (A) The requirements of this section;
- 2           (B) The board's model vehicular pursuit policy; and
- 3           (C) The department of law enforcement's rules
- 4           regarding the collection and reporting of data;
- 5           and
- 6           (4) July 1, 2026, each law enforcement agency shall make
- 7           publicly available all of its policies, including
- 8           procedures, general orders, special orders,
- 9           regulations, and guidance, related to vehicular
- 10           pursuits.
- 11           (j) The policies under subsection (i)(4) shall be presumed
- 12           to be a public record. Redaction of limited portions of these
- 13           policies shall be permitted only if:
- 14           (1) They would be permitted under chapter 92F; and
- 15           (2) The redacted material, if made public, would
- 16           substantially and materially undermine ongoing
- 17           investigations or endanger the life or safety of
- 18           officers or members of the public.
- 19           (k) The policies under subsection (i)(4), including their
- 20           component procedures, general orders, special orders,



1 regulations, and guidance, related to vehicular pursuits, shall  
2 include the month and year during which they were last updated.

3 (l) If any law enforcement agency adopts new or revised  
4 policies under subsection (i) (4), the policies shall be made  
5 publicly available within thirty days of the adoption.

6 (m) The board shall develop minimum requirements for both  
7 introductory and in-service training for law enforcement  
8 officers and supervising officers on vehicular pursuits to  
9 explain the requirements of this section and any implementing  
10 rules and guidance. The board shall require law enforcement  
11 officers and supervising officers to complete in-service  
12 training on vehicular pursuits every two years.

13 (n) Each law enforcement agency shall, as part of its  
14 pursuit policies, make clear to law enforcement officers and  
15 supervising officers that any violation of the policies shall  
16 result in discipline, up to and including termination.

17 (o) The attorney general may investigate and, if  
18 warranted, bring a civil action against any law enforcement  
19 agency to obtain equitable or declaratory relief to enforce this  
20 section.

21 (p) As used in this section:



1       "Law enforcement agency" has the same meaning as in section  
2 78-52.

3       "Law enforcement vehicle" means a county law enforcement  
4 vehicle, department of law enforcement vehicle, or department of  
5 land and natural resources division of conservation and  
6 resources enforcement vehicle authorized and approved pursuant  
7 to section 291-31.5.

8       "Vehicle" has the same meaning as in section 286-2.

9       "Vehicle contact action" means any action undertaken by the  
10 pursuing law enforcement officer intended to result in contact  
11 between the moving law enforcement vehicle and the pursued  
12 vehicle.

13       "Vehicle paralleling" means a deliberate offensive tactic  
14 by one or more law enforcement vehicles in which they are driven  
15 alongside the pursued vehicle while the pursued vehicle is in  
16 motion.

17       "Vehicular pursuit" or "pursuit" means an attempt by a law  
18 enforcement officer in a law enforcement vehicle to stop a  
19 moving vehicle where the operator of the moving vehicle appears  
20 to be aware that the law enforcement officer is signaling the  
21 operator of the moving vehicle to stop the vehicle and the



1 operator of the moving vehicle appears to wilfully resist or  
2 ignore the law enforcement officer's attempt to stop the vehicle  
3 by increasing vehicle speed, making evasive maneuvers, or  
4 operating the vehicle in a reckless manner that endangers the  
5 safety of the community or law enforcement officer.

6 Following a vehicle whose operator fails to yield to the  
7 officer's signal to stop for a brief period of time no longer  
8 than necessary to obtain basic information about the vehicle and  
9 its occupants does not constitute a pursuit if both the law  
10 enforcement officer and operator continue to substantially obey  
11 all other traffic laws during the brief period the officer is  
12 following the operator, and the officer reasonably believes that  
13 briefly following the vehicle would not increase the threat that  
14 either the operator's or the officer's driving poses a danger to  
15 the safety of the public or other officers."

16 SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.



**1** SECTION 5. This Act shall take effect on July 1, 3000.



**Report Title:**

Law Enforcement; Vehicular Pursuit Policy

**Description:**

Establishes a vehicular pursuit policy for law enforcement agencies. Effective 7/1/3000. (HD1)

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

