

---

---

# 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           (A) The supervising law enforcement officer oversees  
8           the vehicular pursuit; and  
9           (B) The pursuing law enforcement officer, in  
10           consultation with the supervising law enforcement  
11           officer, considers:  
12           (i) Alternatives to the vehicular pursuit;  
13           (ii) The justification for the vehicular pursuit;  
14           and  
15           (iii) 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 law  
4           enforcement officer or officers shall immediately  
5           activate all emergency warning lights, siren,  
6           headlights, motor vehicle recorder, and body-worn  
7           camera. If a law enforcement officer terminates a  
8           pursuit without stopping the pursued vehicle, upon  
9           terminating the pursuit, the pursuing law enforcement  
10          officer or officers shall immediately cease all  
11          emergency vehicle operations, including turning off  
12          all emergency warning lights and sirens and  
13          disengaging from the fleeing vehicle.

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



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

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

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

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

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

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

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

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



- 1        (4) A summary of the circumstances surrounding the  
2        pursuit, including but not limited to the number of  
3        law enforcement officers involved, the number of law  
4        enforcement vehicles involved, weather conditions, the  
5        type of law enforcement vehicles and pursued vehicles  
6        involved (e.g., motorcycle or sedan), and maximum  
7        speeds;
- 8        (5) Whether a body-worn camera was worn and active for the  
9        duration of the pursuit;
- 10       (6) Whether a dashboard camera was present and active for  
11       the duration of the pursuit;
- 12       (7) Whether the pursuit resulted in a crash or collision;  
13       injury requiring medical treatment; or death to a law  
14       enforcement officer, a driver or passenger in the  
15       pursued vehicle, or an uninvolved third party;
- 16       (8) If the pursuit resulted in a crash or collision,  
17       injury requiring medical treatment, or death, a  
18       description of the accident and details of each law  
19       enforcement officer, driver or passenger, or  
20       uninvolved third party injured or killed, including



- 1           the type and severity of the injuries sustained by  
2           each, if any;
- 3           (9) Why and how the pursuit was discontinued or  
4           terminated, including whether the law enforcement  
5           officer used any pursuit intervention tactics or  
6           tools, and if so, which tactics or tools;
- 7           (10) Unique identification numbers for each pursuing and  
8           supervising law enforcement officer;
- 9           (11) If a citation was issued, the violations cited;
- 10          (12) If an arrest was made, the offense charged; and
- 11          (13) Whether the law enforcement officer searched the  
12          person or any property, and, if so, the type of  
13          search, the basis for the search, and the type of  
14          contraband or evidence discovered, if any.
- 15          (g) The department of law enforcement shall make all  
16          information obtained from law enforcement agencies under  
17          subsection (e) publicly available on the department of law  
18          enforcement's website, classified by law enforcement agency, in  
19          a manner that is clear, understandable, and machine-readable.
- 20          (h) No law enforcement agency shall report or make  
21          publicly available the name, address, social security number, or





1 other unique personal identifying information of the persons  
2 pursued. Law enforcement agencies are solely responsible for  
3 ensuring that personal identifying information of individuals  
4 pursued is not transmitted to the department of law enforcement  
5 or otherwise released to the public.

6 (i) No later than:

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

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

17 (A) Supervisory review and investigation of pursuits;

18 and

19 (B) The use of pursuit intervention tools and  
20 tactics, including but not limited to vehicle  
21 paralleling and vehicle contact action;



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

4       (A) The requirements of this section;

5       (B) The board's model vehicular pursuit policy; and

6       (C) The department of law enforcement's rules  
7       regarding the collection and reporting of data;  
8       and

9       (4) July 1, 2026, each law enforcement agency shall make  
10       publicly available all of its policies, including  
11       procedures, general orders, special orders,  
12       regulations, and guidance, related to vehicular  
13       pursuits.

14       (j) The policies under subsection (i) (4) shall be presumed  
15       to be a public record. Redaction of limited portions of these  
16       policies shall be permitted only if:

17       (1) They would be permitted under chapter 92F; and

18       (2) The redacted material, if made public, would  
19       substantially and materially undermine ongoing  
20       investigations or endanger the life or safety of  
21       officers or members of the public.



1       (k) The policies under subsection (i) (4), including their  
2 component procedures, general orders, special orders,  
3 regulations, and guidance, related to vehicular pursuits, shall  
4 include the month and year during which they were last updated.

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

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

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



1       (o) The attorney general may investigate and, if  
2 warranted, bring a civil action against any law enforcement  
3 agency to obtain equitable or declaratory relief to enforce this  
4 section.

5       (p) As used in this section:

6       "Law enforcement agency" has the same meaning as in section  
7 78-52.

8       "Law enforcement vehicle" means a county law enforcement  
9 vehicle, department of law enforcement vehicle, or department of  
10 land and natural resources division of conservation and  
11 resources enforcement vehicle authorized and approved pursuant  
12 to section 291-31.5.

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

14       "Vehicle contact action" means any action undertaken by the  
15 pursuing law enforcement officer intended to result in contact  
16 between the moving law enforcement vehicle and the pursued  
17 vehicle.

18       "Vehicle paralleling" means a deliberate offensive tactic  
19 by one or more law enforcement vehicles in which they are driven  
20 alongside the pursued vehicle while the pursued vehicle is in  
21 motion.



1       "Vehicular pursuit" or "pursuit" means an attempt by a law  
2 enforcement officer in a law enforcement vehicle to stop a  
3 moving vehicle where the operator of the moving vehicle appears  
4 to be aware that the law enforcement officer is signaling the  
5 operator of the moving vehicle to stop the vehicle and the  
6 operator of the moving vehicle appears to wilfully resist or  
7 ignore the law enforcement officer's attempt to stop the vehicle  
8 by increasing vehicle speed, making evasive maneuvers, or  
9 operating the vehicle in a reckless manner that endangers the  
10 safety of the community or law enforcement officer.

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



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

4 SECTION 4. New statutory material is underscored.

5 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. (HD2)

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

