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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.

5 Accordingly, the purpose of this Act is to statutorily  
6 establish statewide vehicular law enforcement 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 a crime;

16 (2) The vehicular pursuit is necessary to identify or  
17 apprehend the person;



- 1        (3) The person poses a serious risk of harm to others and  
2        the law enforcement officer reasonably believes that,  
3        under the circumstances, the safety risks of failing  
4        to identify or apprehend the person are greater than  
5        the safety risks of the vehicular pursuit; and
- 6        (4) The pursuing law enforcement officer notifies a  
7        supervising law enforcement officer immediately upon  
8        initiating the vehicular pursuit; provided that:
- 9        (A) The supervising law enforcement officer oversees  
10       the vehicular pursuit; and
- 11       (B) The pursuing law enforcement officer, in  
12       consultation with the supervising law enforcement  
13       officer, considers:
- 14       (i) Alternatives to the vehicular pursuit;  
15       (ii) The justification for the vehicular pursuit;  
16       and
- 17       (iii) Other safety factors, including speed,  
18       weather, traffic, road conditions, and any  
19       known presence of minors in the vehicle.
- 20       (b) In any vehicular pursuit under this section:



- 1        (1) The pursuing law enforcement officer and the  
2                    supervising law enforcement officer shall comply with  
3                    any applicable procedures for designating the primary  
4                    pursuit vehicle and determining the appropriate number  
5                    of vehicles permitted to engage in the vehicular  
6                    pursuit;
- 7        (2) The supervising law enforcement officer, pursuing law  
8                    enforcement officer, or dispatcher shall notify other  
9                    law enforcement agencies that may be affected by the  
10                   vehicular pursuit or called upon to assist with the  
11                   vehicular pursuit;
- 12        (3) To the extent practicable, the pursuing law  
13                    enforcement officer shall use a common radio channel  
14                    or other direct means of communication to directly  
15                    communicate with other law enforcement officers  
16                    engaging in the vehicular pursuit, the supervising law  
17                    enforcement officer, and the dispatching law  
18                    enforcement agency;
- 19        (4) As soon as practicable after initiating a vehicular  
20                    pursuit, the pursuing law enforcement officer,  
21                    supervising law enforcement officer, or responsible



1 law enforcement agency shall develop a plan to end the  
2 vehicular pursuit through the use of available pursuit  
3 intervention options, techniques, or tactics approved  
4 by the applicable law enforcement agency; and

5 (5) Upon initiation of a pursuit, the pursuing law  
6 enforcement officer or officers shall immediately  
7 activate all emergency warning lights, siren,  
8 headlights, motor vehicle recorder, and body-worn  
9 camera. If a law enforcement officer terminates a  
10 pursuit without stopping the pursued vehicle, upon  
11 terminating the pursuit, the pursuing law enforcement  
12 officer or officers shall immediately cease all  
13 emergency vehicle operations, including turning off  
14 all emergency warning lights and sirens and  
15 disengaging from the fleeing vehicle.

16 (c) Any law enforcement officer who engages in a vehicular  
17 pursuit that fails to satisfy the requirements of this section  
18 shall terminate the pursuit. The supervising law enforcement  
19 officer shall order the pursuing law enforcement officer to  
20 terminate the pursuit as soon as the supervising law enforcement



1 officer determines that the pursuit, or continued pursuit, would  
2 not be authorized under this section.

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

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

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

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

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

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

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



- 1        (3) The start and end locations of the pursuit;
- 2        (4) A summary of the circumstances surrounding the
- 3        pursuit, including but not limited to the number of
- 4        law enforcement officers involved, the number of law
- 5        enforcement vehicles involved, weather conditions, the
- 6        type of law enforcement vehicles and pursued vehicles
- 7        involved (e.g., motorcycle or sedan), and maximum
- 8        speeds;
- 9        (5) Whether a body-worn camera was worn and active for the
- 10       duration of the pursuit;
- 11       (6) Whether a dashboard camera was present and active for
- 12       the duration of the pursuit;
- 13       (7) Whether the pursuit resulted in a crash or collision;
- 14       injury requiring medical treatment; or death to a law
- 15       enforcement officer, a driver or passenger in the
- 16       pursued vehicle, or an uninvolved third party;
- 17       (8) If the pursuit resulted in a crash or collision,
- 18       injury requiring medical treatment, or death, a
- 19       description of the accident and details of each law
- 20       enforcement officer, driver or passenger, or
- 21       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 the attorney general shall make all  
16          information obtained from law enforcement agencies under  
17          subsection (e) publicly available on the department of the  
18          attorney general's website, classified by law enforcement  
19          agency, in a manner that is clear, understandable, and  
20          machine-readable.



1        (h) No law enforcement agency shall report or make  
2 publicly available the name, address, social security number, or  
3 other unique personal identifying information of the persons  
4 pursued. Law enforcement agencies are solely responsible for  
5 ensuring that personal identifying information of individuals  
6 pursued is not transmitted to the department of the attorney  
7 general or otherwise released to the public.

8        (i) No later than:

9        (1) January 1, 2026, the department of the attorney  
10 general shall adopt rules pursuant to chapter 91  
11 regarding the collection and reporting of data  
12 required under this section;

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

19        (A) Supervisory review and investigation of pursuits;

20        and





- 1           (B) The use of pursuit intervention tools and  
2           tactics, including but not limited to vehicle  
3           paralleling and vehicle contact action;
- 4           (3) April 1, 2026, each law enforcement agency in the  
5           State shall adopt a written policy that is consistent  
6           with:
- 7           (A) The requirements of this section;  
8           (B) The board's model vehicular pursuit policy; and  
9           (C) The department of the attorney general's rules  
10           regarding the collection and reporting of data;  
11           and
- 12           (4) July 1, 2026, each law enforcement agency shall make  
13           publicly available all of its policies, including  
14           procedures, general orders, special orders,  
15           regulations, and guidance, related to vehicular  
16           pursuits.
- 17           (j) The policies under subsection (i)(4) shall be presumed  
18           to be a public record. Redaction of limited portions of these  
19           policies shall be permitted only if:
- 20           (1) They would be permitted under chapter 92F; and



1       (2) The redacted material, if made public, would  
2           substantially and materially undermine ongoing  
3           investigations or endanger the life or safety of  
4           officers or members of the public.

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

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

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

20       (n) Each law enforcement agency shall, as part of its  
21       pursuit policies, make clear to law enforcement officers and



1 supervising law enforcement officers that any violation of the  
2 policies shall result in discipline, up to and including  
3 termination.

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

8 (p) For the purposes of this section:

9 "Law enforcement agency" has the same meaning as defined in  
10 section 78-52.

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

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

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



1 "Vehicle paralleling" means a deliberate offensive tactic  
2 by one or more law enforcement vehicles where they are driven  
3 alongside the pursued vehicle while the pursued vehicle is in  
4 motion.

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

15 Following a vehicle whose operator fails to yield to the  
16 law enforcement officer's signal to stop for a brief period of  
17 time no longer than necessary to obtain basic information about  
18 the vehicle and its occupants does not constitute a pursuit if  
19 both the law enforcement officer and operator continue to  
20 substantially obey all other traffic laws during the brief  
21 period the officer is following the operator, and the officer



1 reasonably believes that briefly following the vehicle would not  
2 increase the threat that either the operator's or the officer's  
3 driving poses a danger to the safety of the public or other  
4 officers."

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

8 SECTION 4. New statutory material is underscored.

9 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. (SD1)

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

