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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) Beginning July 1, 2027,  
11 no law enforcement officer shall engage in a vehicular pursuit  
12 unless:

13           (1) The law enforcement officer has a reasonable suspicion  
14 to believe that a person in the vehicle to be pursued  
15 is attempting to commit, has committed, or is  
16 committing a crime;



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



1        (b) Beginning July 1, 2027, in any vehicular pursuit under  
2 this section:

3        (1) The pursuing law enforcement officer and the  
4 supervising law enforcement officer shall comply with  
5 any applicable procedures for designating the primary  
6 pursuit vehicle and determining the appropriate number  
7 of vehicles permitted to engage in the vehicular  
8 pursuit;

9        (2) The supervising law enforcement officer, pursuing law  
10 enforcement officer, or dispatcher shall notify other  
11 law enforcement agencies that may be affected by the  
12 vehicular pursuit or called upon to assist with the  
13 vehicular pursuit;

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



1       (4) As soon as practicable after initiating a vehicular  
2       pursuit, the pursuing law enforcement officer,  
3       supervising law enforcement officer, or responsible  
4       law enforcement agency shall develop a plan to end the  
5       vehicular pursuit through the use of available pursuit  
6       intervention options, techniques, or tactics approved  
7       by the applicable law enforcement agency; and

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

19      (c) Beginning July 1, 2027, any law enforcement officer  
20      who engages in a vehicular pursuit that fails to satisfy the  
21      requirements of this section shall terminate the pursuit. The



1 supervising law enforcement officer shall order the pursuing law  
2 enforcement officer to terminate the pursuit as soon as the  
3 supervising law enforcement officer determines that the pursuit,  
4 or continued pursuit, would not be authorized under this  
5 section.

6 (d) Beginning July 1, 2027, no law enforcement officer  
7 shall fire a weapon at, into, or from a moving vehicle unless:

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

11 (2) The imminent risk cannot be avoided through other  
12 reasonable means, including by avoiding the path of  
13 the vehicle.

14 (e) Beginning July 1, 2027, each law enforcement agency  
15 shall annually furnish to the department of the attorney  
16 general, in a manner defined and prescribed by the department of  
17 the attorney general, a report of all vehicular pursuits  
18 conducted in the prior year by law enforcement officers employed  
19 by the law enforcement agency.



- 1        (f) Beginning July 1, 2027, each report required under  
2 subsection (e) shall include, at a minimum, the following  
3 information for each vehicular pursuit:
- 4        (1) The reason for the pursuit, including the offenses or  
5 infractions that served as a basis for the pursuit;
- 6        (2) The date, start time, and end time of the pursuit;
- 7        (3) The start and end locations of the pursuit;
- 8        (4) A summary of the circumstances surrounding the  
9 pursuit, including but not limited to the number of  
10 law enforcement officers involved, the number of law  
11 enforcement vehicles involved, weather conditions, the  
12 type of law enforcement vehicles and pursued vehicles  
13 involved (e.g., motorcycle or sedan), and maximum  
14 speeds;
- 15        (5) Whether a body-worn camera was worn and active for the  
16 duration of the pursuit;
- 17        (6) Whether a dashboard camera was present and active for  
18 the duration of the pursuit;
- 19        (7) Whether the pursuit resulted in a crash or collision;  
20 injury requiring medical treatment; or death to a law



- 1 enforcement officer, a driver or passenger in the  
2 pursued vehicle, or an uninvolved third party;
- 3 (8) If the pursuit resulted in a crash or collision,  
4 injury requiring medical treatment, or death, a  
5 description of the accident and details of each law  
6 enforcement officer, driver or passenger, or  
7 uninvolved third party injured or killed, including  
8 the type and severity of the injuries sustained by  
9 each, if any;
- 10 (9) Why and how the pursuit was discontinued or  
11 terminated, including whether the law enforcement  
12 officer used any pursuit intervention tactics or  
13 tools, and if so, which tactics or tools;
- 14 (10) Unique identification numbers for each pursuing and  
15 supervising law enforcement officer;
- 16 (11) If a citation was issued, the violations cited;
- 17 (12) If an arrest was made, the offense charged; and
- 18 (13) Whether the law enforcement officer searched the  
19 person or any property, and, if so, the type of  
20 search, the basis for the search, and the type of  
21 contraband or evidence discovered, if any.



1       (g) Beginning July 1, 2027, the department of the attorney  
2 general shall make all information obtained from law enforcement  
3 agencies under subsection (e) publicly available on the  
4 department of the attorney general's website, classified by law  
5 enforcement agency, in a manner that is clear, understandable,  
6 and machine-readable.

7       (h) Beginning July 1, 2027, no law enforcement agency  
8 shall report or make publicly available the name, address,  
9 social security number, or other unique personal identifying  
10 information of the persons pursued. Law enforcement agencies  
11 shall be solely responsible for ensuring that personal  
12 identifying information of individuals pursued is not  
13 transmitted to the department of the attorney general or  
14 otherwise released to the public.

15       (i) No later than July 1, 2027:

16       (1) The department of the attorney general shall adopt  
17 rules pursuant to chapter 91 regarding the collection  
18 and reporting of data required under this section;

19       (2) The board shall develop a model vehicular pursuit  
20 policy that is consistent with the requirements of  
21 this section and shall seek public comment on the





1           policy in accordance with chapter 91; provided that in  
2           its policy, the board shall include guidance on:  
3           (A) Supervisory review and investigation of pursuits;  
4           and  
5           (B) The use of pursuit intervention tools and  
6           tactics, including but not limited to vehicle  
7           paralleling and vehicle contact action;  
8           (3) Each law enforcement agency in the State shall adopt a  
9           written policy that is consistent with:  
10           (A) The requirements of this section;  
11           (B) The board's model vehicular pursuit policy; and  
12           (C) The department of the attorney general's rules  
13           regarding the collection and reporting of data;  
14           and  
15           (4) Each law enforcement agency shall make publicly  
16           available all of its policies, including procedures,  
17           general orders, special orders, regulations, and  
18           guidance, related to vehicular pursuits.  
19           (j) The policies under subsection (i)(4) shall be presumed  
20           to be a public record. Redaction of limited portions of these



1 policies shall be permitted only if they would be permitted  
2 under chapter 92F.

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

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

10 (m) Beginning July 1, 2027, the board shall develop  
11 minimum requirements for both introductory and in-service  
12 training for law enforcement officers and supervising law  
13 enforcement officers on vehicular pursuits to explain the  
14 requirements of this section and any implementing rules and  
15 guidance. The board shall require law enforcement officers and  
16 supervising law enforcement officers to complete in-service  
17 training on vehicular pursuits every two years.

18 (n) Beginning July 1, 2027, each law enforcement agency  
19 shall, as part of its pursuit policies, make clear to law  
20 enforcement officers and supervising law enforcement officers



1 that any violation of the policies shall result in discipline,  
2 up to and including termination.

3 (o) Beginning July 1, 2027, the attorney general may  
4 investigate and, if warranted, bring a civil action against any  
5 law enforcement agency to obtain equitable or declaratory relief  
6 to enforce this section.

7 (p) For the purposes of this section:

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

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

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

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

20 "Vehicle paralleling" means a deliberate offensive tactic  
21 by one or more law enforcement vehicles where they are driven



1 alongside the pursued vehicle while the pursued vehicle is in  
2 motion.

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

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



1 driving poses a danger to the safety of the public or other  
2 officers."

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

6 SECTION 4. New statutory material is underscored.

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



**Report Title:**

Law Enforcement; Vehicular Pursuit Policy

**Description:**

Beginning July 1, 2027, establishes a vehicular pursuit policy for law enforcement agencies. Effective 7/1/3000. (SD2)

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

