

Honolulu, Hawaii

APR 04 2025

RE: H.B. No. 277  
H.D. 2  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2025  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 277, H.D. 2, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VEHICULAR PURSUIT,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a vehicular pursuit policy for law enforcement agencies.

Your Committee received testimony in support of this measure from the Policing Project at the NYU School of Law, ACLU of Hawai'i, and twelve individuals.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General, Department of Law Enforcement, Law Enforcement Standards Board, and State of Hawaii Organization of Police Officers.

Your Committee received comments on this measure from the Office of Information Practices and one individual.

Your Committee finds that police vehicle pursuits are highly dangerous, posing risks of serious injury or death to members of the public and law enforcement officers. However, existing law lacks clear standards for when pursuits are allowed and how officers are to engage in pursuits. This means that police



receive little advance guidance on how to conduct pursuits but are nonetheless held responsible when pursuits go wrong. This measure will improve public safety and prevent serious injuries by bringing much needed regulation to police vehicle pursuits in the State.

Your Committee notes that this measure, as written, would allow law enforcement agencies to redact policies related to vehicular pursuits only if the redaction would be permitted under chapter 92F, Hawaii Revised Statutes (HRS), and additionally the redacted material, if made public, would substantially and materially undermine ongoing investigations or endanger the life or safety of officers or members of the public. Chapter 92F, HRS, provides law enforcement agencies with a limited ability to withhold vehicular pursuit policies. For example, under the frustration exemption under section 92F-13(3), HRS, predominantly internal policies may be withheld or redacted only when public disclosure would "significantly risk circumvention" of the policy or law and thus frustrate a legitimate government purpose. Applying existing law, the Office of Information Practices concluded that only a portion of a police department's motor vehicle pursuit policy could be redacted on the basis that its disclosure would significantly risk circumvention of the law. Therefore, your Committee believes that the redaction of certain portions of each law enforcement agency's policies related to vehicular pursuits should be permitted based on chapter 92F, HRS, and not a heightened standard.

Your Committee believes that the Law Enforcement Standards Board will require additional time to develop a model vehicular pursuit policy that is consistent with the requirements established by this measure and therefore amendments to this measure are necessary.

Accordingly, your Committee has amended this measure by:

- (1) Delaying the implementation of the vehicular pursuit policy for law enforcement agencies established by this measure to July 1, 2027;
- (2) Deleting language that would have allowed for the redaction of limited portions of each law enforcement agency's policies related to vehicular pursuits under a



heightened standard and specifying instead that existing law in chapter 92F, HRS, governing redactions shall apply; and

- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 277, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 277, H.D. 2, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



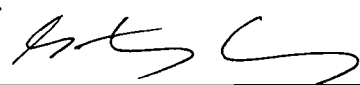
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KARL RHOADS, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 277 HD2, SD1</b>	Committee Referral: <b>TCA/PSM, JDC</b>	Date: <b>3/26/25</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)				✓
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 2em; margin-top: 10px;">  </div>				
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\*Only one measure per Record of Votes