

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 January 1,
11 2027, no law enforcement officer shall engage in a vehicular
12 pursuit 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 one or more of the following:



- 1 (A) A felony offense under chapter 707 or 708 that
2 involves physical injury to the person or
3 another, or the threat, or significant risk, of
4 physical injury to a person or another;
- 5 (B) The offense of kidnapping, unlawful imprisonment
6 in the first or second degree, or custodial
7 interference in the first or second degree under
8 part IV of chapter 707;
- 9 (C) The offense of robbery in the first or second
10 degree under part V of chapter 708;
- 11 (D) A sexual offense under part V of chapter 707;
- 12 (E) Assault in the first degree under section 707-710
13 or assault in the second degree under section
14 707-711 by a person operating a vehicle:
- 15 (i) In a reckless manner; or
- 16 (ii) Without regard for the safety of others;
- 17 (F) The offense of abuse of family or household
18 members under section 709-906;
- 19 (G) The offense of escape in the first degree under
20 section 710-1020;



1 (H) The offense of escape in the second degree under
2 section 710-1021; or

3 (I) The offense of operating a vehicle under the
4 influence of an intoxicant under section 291E-61;

5 (2) The vehicular pursuit is necessary to identify or
6 apprehend the person;

7 (3) The person poses a serious risk of harm to others and
8 the law enforcement officer reasonably believes that,
9 under the circumstances, the safety risks of failing
10 to identify or apprehend the person are greater than
11 the safety risks of the vehicular pursuit; and

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

15 (A) The supervising law enforcement officer oversees
16 the vehicular pursuit; and

17 (B) The pursuing law enforcement officer, in
18 consultation with the supervising law enforcement
19 officer, considers:

20 (i) Alternatives to the vehicular pursuit;



1 (ii) The justification for the vehicular pursuit;

2 and

3 (iii) Other safety factors, including speed,

4 weather, traffic, road conditions, and any

5 known presence of minors in the vehicle.

6 (b) Beginning January 1, 2027, in any vehicular pursuit

7 under this section:

8 (1) The pursuing law enforcement officer and the

9 supervising law enforcement officer shall comply with

10 any applicable procedures for designating the primary

11 pursuit vehicle and determining the appropriate number

12 of vehicles permitted to engage in the vehicular

13 pursuit;

14 (2) The supervising law enforcement officer, pursuing law

15 enforcement officer, or dispatcher shall notify other

16 law enforcement agencies that may be affected by the

17 vehicular pursuit or called upon to assist with the

18 vehicular pursuit;

19 (3) To the extent practicable, the pursuing law

20 enforcement officer shall use a common radio channel

21 or other direct means of communication to directly



1 communicate with other law enforcement officers
2 engaging in the vehicular pursuit, the supervising law
3 enforcement officer, and the dispatching law
4 enforcement agency;

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

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



1 all emergency warning lights and sirens and
2 disengaging from the fleeing vehicle.

3 (c) Beginning January 1, 2027, any law enforcement officer
4 who engages in a vehicular pursuit that fails to satisfy the
5 requirements of this section shall terminate the pursuit. The
6 supervising law enforcement officer shall order the pursuing law
7 enforcement officer to terminate the pursuit as soon as the
8 supervising law enforcement officer determines that the pursuit,
9 or continued pursuit, would not be authorized under this
10 section.

11 (d) Beginning January 1, 2027, no law enforcement officer
12 shall fire a weapon at, into, or from a moving vehicle unless:

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

16 (2) The imminent risk cannot be avoided through other
17 reasonable means, including by avoiding the path of
18 the vehicle.

19 (e) Beginning January 1, 2027, each law enforcement agency
20 shall annually furnish to the department of the attorney
21 general, in a manner defined and prescribed by the department of



1 the attorney general, a report of all vehicular pursuits
2 conducted in the prior year by law enforcement officers employed
3 by the law enforcement agency.

4 (f) Each report required under subsection (e) shall
5 include, at a minimum, the following information for each
6 vehicular pursuit:

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

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

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

11 (4) A summary of the circumstances surrounding the
12 pursuit, including but not limited to the number of
13 law enforcement officers involved, the number of law
14 enforcement vehicles involved, weather conditions, the
15 type of law enforcement vehicles and pursued vehicles
16 involved (e.g., motorcycle or sedan), and maximum
17 speeds;

18 (5) Whether a body-worn camera was worn and active for the
19 duration of the pursuit;

20 (6) Whether a dashboard camera was present and active for
21 the duration of the pursuit;



1 (7) Whether the pursuit resulted in a crash or collision;
2 injury requiring medical treatment; or death to a law
3 enforcement officer, a driver or passenger in the
4 pursued vehicle, or an uninvolved third party;

5 (8) If the pursuit resulted in a crash or collision,
6 injury requiring medical treatment, or death, a
7 description of the accident and details of each law
8 enforcement officer, driver or passenger, or
9 uninvolved third party injured or killed, including
10 the type and severity of the injuries sustained by
11 each, if any;

12 (9) Why and how the pursuit was discontinued or
13 terminated, including whether the law enforcement
14 officer used any pursuit intervention tactics or
15 tools, and if so, which tactics or tools;

16 (10) Unique identification numbers for each pursuing and
17 supervising law enforcement officer;

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

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

20 (13) Whether the law enforcement officer searched the
21 person or any property, and, if so, the type of



1 search, the basis for the search, and the type of
2 contraband or evidence discovered, if any.

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

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

16 (i) No later than:

17 (1) July 1, 2026, the department of the attorney general
18 shall adopt rules pursuant to chapter 91 regarding the
19 collection and reporting of data required under this
20 section;



1 (2) July 1, 2026, the board shall develop a model
2 vehicular pursuit policy that is consistent with the
3 requirements of this section and shall seek public
4 comment on the policy in accordance with chapter 91;
5 provided that in its policy, the board shall include
6 guidance on:

7 (A) Supervisory review and investigation of pursuits;
8 and

9 (B) The use of pursuit intervention tools and
10 tactics, including but not limited to vehicle
11 paralleling and vehicle contact action;

12 (3) January 1, 2027, each law enforcement agency in the
13 State shall adopt a written policy that is consistent
14 with:

15 (A) The requirements of this section;

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

17 (C) The department of the attorney general's rules
18 regarding the collection and reporting of data;
19 and

20 (4) January 1, 2027, each law enforcement agency shall
21 make publicly available all of its policies, including



1 procedures, general orders, special orders,
2 regulations, and guidance, related to vehicular
3 pursuits.

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

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

8 (2) The redacted material, if made public, would
9 substantially and materially undermine ongoing
10 investigations or endanger the life or safety of
11 officers or members of the public.

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

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

19 (m) The board shall develop minimum requirements for both
20 introductory and in-service training for law enforcement
21 officers and supervising law enforcement officers on vehicular



1 pursuits to explain the requirements of this section and any
2 implementing rules and guidance. The board shall require law
3 enforcement officers and supervising law enforcement officers to
4 complete in-service training on vehicular pursuits every two
5 years.

6 (n) Each law enforcement agency shall, as part of its
7 pursuit policies, make clear to law enforcement officers and
8 supervising law enforcement officers that any violation of the
9 policies shall result in discipline, up to and including
10 termination.

11 (o) The attorney general may investigate and, if
12 warranted, bring a civil action against any law enforcement
13 agency to obtain equitable or declaratory relief to enforce this
14 section.

15 (p) For the purposes of this section:

16 "Law enforcement agency" has the same meaning as in section
17 78-52.

18 "Law enforcement vehicle" means a county law enforcement
19 vehicle, department of law enforcement vehicle, or department of
20 land and natural resources division of conservation and



1 resources enforcement vehicle authorized and approved pursuant
2 to section 291-31.5.

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

4 "Vehicle contact action" means any action undertaken by the
5 pursuing law enforcement officer intended to result in contact
6 between the moving law enforcement vehicle and the pursued
7 vehicle.

8 "Vehicle paralleling" means a deliberate offensive tactic
9 by one or more law enforcement vehicles where they are driven
10 alongside the pursued vehicle while the pursued vehicle is in
11 motion.

12 "Vehicular pursuit" or "pursuit" means an attempt by a law
13 enforcement officer in a law enforcement vehicle to stop a
14 moving vehicle where the operator of the moving vehicle appears
15 to be aware that the law enforcement officer is signaling the
16 operator of the moving vehicle to stop the vehicle and the
17 operator of the moving vehicle appears to wilfully resist or
18 ignore the law enforcement officer's attempt to stop the vehicle
19 by increasing vehicle speed, making evasive maneuvers, or
20 operating the vehicle in a reckless manner that endangers the
21 safety of the community or law enforcement officer.



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

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

15 SECTION 4. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Attorney General; Law Enforcement Agencies; Vehicular Pursuit Policy

Description:

Establishes requirements related to vehicular pursuit by law enforcement agencies. Beginning 1/1/2027, requires law enforcement agencies to provide reports to the Department of the Attorney General on all vehicular pursuits. (CD1)

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

