

ACT 210

H.B. NO. 277

A Bill for an Act Relating to Vehicular Pursuit.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature appreciates the sanctity of life and acknowledges that vehicular pursuits involving law enforcement are inherently dangerous due to the conditions of the State's roads.

Accordingly, the purpose of this Act is to statutorily establish statewide vehicular law enforcement pursuit policies.

SECTION 2. Chapter 139, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§139- Vehicular pursuit. (a) Beginning January 1, 2027, no law enforcement officer shall engage in a vehicular pursuit unless:

- (1) The law enforcement officer has a reasonable suspicion to believe that a person in the vehicle to be pursued is attempting to commit, has committed, or is committing one or more of the following:
 - (A) A felony offense under chapter 707 or 708 that involves physical injury to the person or another, or the threat, or significant risk, of physical injury to a person or another;
 - (B) The offense of kidnapping, unlawful imprisonment in the first or second degree, or custodial interference in the first or second degree under part IV of chapter 707;
 - (C) The offense of robbery in the first or second degree under part V of chapter 708;
 - (D) A sexual offense under part V of chapter 707;
 - (E) Assault in the first degree under section 707-710 or assault in the second degree under section 707-711 by a person operating a vehicle:
 - (i) In a reckless manner; or
 - (ii) Without regard for the safety of others;
 - (F) The offense of abuse of family or household members under section 709-906;
 - (G) The offense of escape in the first degree under section 710-1020;
 - (H) The offense of escape in the second degree under section 710-1021; or
 - (I) The offense of operating a vehicle under the influence of an intoxicant under section 291E-61;
- (2) The vehicular pursuit is necessary to identify or apprehend the person;
- (3) The person poses a serious risk of harm to others and the law enforcement officer reasonably believes that, under the circumstances, the safety risks of failing to identify or apprehend the person are greater than the safety risks of the vehicular pursuit; and
- (4) The pursuing law enforcement officer notifies a supervising law enforcement officer immediately upon initiating the vehicular pursuit; provided that:
 - (A) The supervising law enforcement officer oversees the vehicular pursuit; and
 - (B) The pursuing law enforcement officer, in consultation with the supervising law enforcement officer, considers:
 - (i) Alternatives to the vehicular pursuit;
 - (ii) The justification for the vehicular pursuit; and
 - (iii) Other safety factors, including speed, weather, traffic, road conditions, and any known presence of minors in the vehicle.
- (b) Beginning January 1, 2027, in any vehicular pursuit under this section:
 - (1) The pursuing law enforcement officer and the supervising law enforcement officer shall comply with any applicable procedures for designating the primary pursuit vehicle and determining the appropriate number of vehicles permitted to engage in the vehicular pursuit;
 - (2) The supervising law enforcement officer, pursuing law enforcement officer, or dispatcher shall notify other law enforcement agencies that may be affected by the vehicular pursuit or called upon to assist with the vehicular pursuit;

- (3) To the extent practicable, the pursuing law enforcement officer shall use a common radio channel or other direct means of communication to directly communicate with other law enforcement officers engaging in the vehicular pursuit, the supervising law enforcement officer, and the dispatching law enforcement agency;
 - (4) As soon as practicable after initiating a vehicular pursuit, the pursuing law enforcement officer, supervising law enforcement officer, or responsible law enforcement agency shall develop a plan to end the vehicular pursuit through the use of available pursuit intervention options, techniques, or tactics approved by the applicable law enforcement agency; and
 - (5) Upon initiation of a pursuit, the pursuing law enforcement officer or officers shall immediately activate all emergency warning lights, siren, headlights, motor vehicle recorder, and body-worn camera. If a law enforcement officer terminates a pursuit without stopping the pursued vehicle, upon terminating the pursuit, the pursuing law enforcement officer or officers shall immediately cease all emergency vehicle operations, including turning off all emergency warning lights and sirens and disengaging from the fleeing vehicle.
- (c) Beginning January 1, 2027, any law enforcement officer who engages in a vehicular pursuit that fails to satisfy the requirements of this section shall terminate the pursuit. The supervising law enforcement officer shall order the pursuing law enforcement officer to terminate the pursuit as soon as the supervising law enforcement officer determines that the pursuit, or continued pursuit, would not be authorized under this section.
- (d) Beginning January 1, 2027, no law enforcement officer shall fire a weapon at, into, or from a moving vehicle unless:
- (1) It is necessary to protect against an imminent risk of serious physical harm or death to an officer or another; and
 - (2) The imminent risk cannot be avoided through other reasonable means, including by avoiding the path of the vehicle.
- (e) Beginning January 1, 2027, each law enforcement agency shall annually furnish to the department of the attorney general, in a manner defined and prescribed by the department of the attorney general, a report of all vehicular pursuits conducted in the prior year by law enforcement officers employed by the law enforcement agency.
- (f) Each report required under subsection (e) shall include, at a minimum, the following information for each vehicular pursuit:
- (1) The reason for the pursuit, including the offenses or infractions that served as a basis for the pursuit;
 - (2) The date, start time, and end time of the pursuit;
 - (3) The start and end locations of the pursuit;
 - (4) A summary of the circumstances surrounding the pursuit, including but not limited to the number of law enforcement officers involved, the number of law enforcement vehicles involved, weather conditions, the type of law enforcement vehicles and pursued vehicles involved (e.g., motorcycle or sedan), and maximum speeds;
 - (5) Whether a body-worn camera was worn and active for the duration of the pursuit;
 - (6) Whether a dashboard camera was present and active for the duration of the pursuit;
 - (7) Whether the pursuit resulted in a crash or collision; injury requiring medical treatment; or death to a law enforcement officer, a driver or passenger in the pursued vehicle, or an uninvolved third party;

- (8) If the pursuit resulted in a crash or collision, injury requiring medical treatment, or death, a description of the accident and details of each law enforcement officer, driver or passenger, or uninvolved third party injured or killed, including the type and severity of the injuries sustained by each, if any;
 - (9) Why and how the pursuit was discontinued or terminated, including whether the law enforcement officer used any pursuit intervention tactics or tools, and if so, which tactics or tools;
 - (10) Unique identification numbers for each pursuing and supervising law enforcement officer;
 - (11) If a citation was issued, the violations cited;
 - (12) If an arrest was made, the offense charged; and
 - (13) Whether the law enforcement officer searched the person or any property, and, if so, the type of search, the basis for the search, and the type of contraband or evidence discovered, if any.
- (g) The department of the attorney general shall make all information obtained from law enforcement agencies under subsection (e) publicly available on the department of the attorney general's website, classified by law enforcement agency, in a manner that is clear, understandable, and machine-readable.
- (h) No law enforcement agency shall report or make publicly available the name, address, social security number, or other unique personal identifying information of the persons pursued. Law enforcement agencies shall be solely responsible for ensuring that personal identifying information of individuals pursued is not transmitted to the department of the attorney general or otherwise released to the public.
- (i) No later than:
 - (1) July 1, 2026, the department of the attorney general shall adopt rules pursuant to chapter 91 regarding the collection and reporting of data required under this section;
 - (2) July 1, 2026, the board shall develop a model vehicular pursuit policy that is consistent with the requirements of this section and shall seek public comment on the policy in accordance with chapter 91; provided that in its policy, the board shall include guidance on:
 - (A) Supervisory review and investigation of pursuits; and
 - (B) The use of pursuit intervention tools and tactics, including but not limited to vehicle paralleling and vehicle contact action;
 - (3) January 1, 2027, each law enforcement agency in the State shall adopt a written policy that is consistent with:
 - (A) The requirements of this section;
 - (B) The board's model vehicular pursuit policy; and
 - (C) The department of the attorney general's rules regarding the collection and reporting of data; and
 - (4) January 1, 2027, each law enforcement agency shall make publicly available all of its policies, including procedures, general orders, special orders, regulations, and guidance, related to vehicular pursuits.
 - (j) The policies under subsection (i)(4) shall be presumed to be a public record. Redaction of limited portions of these policies shall be permitted only if:
 - (1) They would be permitted under chapter 92F; and
 - (2) 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.
 - (k) The policies under subsection (i)(4), including their component procedures, general orders, special orders, regulations, and guidance, related to

vehicular pursuits, shall include the month and year during which they were last updated.

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

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

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

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

(p) For the purposes of this section:

“Law enforcement agency” has the same meaning as in section 78-52.

“Law enforcement vehicle” means a county law enforcement vehicle, department of law enforcement vehicle, or department of land and natural resources division of conservation and resources enforcement vehicle authorized and approved pursuant to section 291-31.5.

“Vehicle” has the same meaning as in section 286-2.

“Vehicle contact action” means any action undertaken by the pursuing law enforcement officer intended to result in contact between the moving law enforcement vehicle and the pursued vehicle.

“Vehicle paralleling” means a deliberate offensive tactic by one or more law enforcement vehicles where they are driven alongside the pursued vehicle while the pursued vehicle is in motion.

“Vehicular pursuit” or “pursuit” means an attempt by a law enforcement officer in a law enforcement vehicle to stop a moving vehicle where the operator of the moving vehicle appears to be aware that the law enforcement officer is signaling the operator of the moving vehicle to stop the vehicle and the operator of the moving vehicle appears to wilfully resist or ignore the law enforcement officer’s attempt to stop the vehicle by increasing vehicle speed, making evasive maneuvers, or operating the vehicle in a reckless manner that endangers the safety of the community or law enforcement officer.

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

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

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.
(Approved June 25, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.