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# A BILL FOR AN ACT

RELATING TO RACIAL PROFILING PREVENTION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 28, Hawaii Revised Statutes, is amended  
2 by adding a new section to part I to be appropriately designated  
3 and to read as follows:

4           "§28-           Racial profiling prevention; policy; training.

5           (a) The attorney general shall adopt a policy and implement an  
6 annual training program for its investigators regarding racial  
7 profiling prevention that provides and instructs that the  
8 investigators shall not use a person's race or ethnicity to form  
9 probable cause or reasonable suspicion to stop a vehicle but may  
10 use a person's race or ethnicity to confirm a previously  
11 obtained description of a suspect.

12           (b) Investigators of the department of the attorney  
13 general shall not use a person's race or ethnicity to form  
14 probable cause or reasonable suspicion to stop a vehicle but may  
15 use a person's race or ethnicity to confirm a previously  
16 obtained description of a suspect."



1 SECTION 2. Chapter 52D, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§52D- Racial profiling prevention; policy; training.

5 (a) Each county shall adopt a policy and implement an annual  
6 training program for its police officers regarding racial  
7 profiling prevention that provides and instructs that police  
8 officers shall not use a person's race or ethnicity to form  
9 probable cause or reasonable suspicion to stop a vehicle but may  
10 use a person's race or ethnicity to confirm a previously  
11 obtained description of a suspect.

12 (b) Police officers shall not use a person's race or  
13 ethnicity to form probable cause or reasonable suspicion to stop  
14 a vehicle but may use a person's race or ethnicity to confirm a  
15 previously obtained description of a suspect."

16 SECTION 3. Chapter 199, Hawaii Revised Statutes, is  
17 amended by adding a new section to be appropriately designated  
18 and to read as follows:

19 "§199- Racial profiling prevention; policy; training.

20 (a) The board of land and natural resources shall adopt a  
21 policy and implement an annual training program for its



1 conservation and resources enforcement officers regarding racial  
2 profiling prevention that provides and instructs that the  
3 officers shall not use a person's race or ethnicity to form  
4 probable cause or reasonable suspicion to stop a vehicle but may  
5 use a person's race or ethnicity to confirm a previously  
6 obtained description of a suspect.

7 (b) Conservation and resources enforcement officers shall  
8 not use a person's race or ethnicity to form probable cause or  
9 reasonable suspicion to stop a vehicle but may use a person's  
10 race or ethnicity to confirm a previously obtained description  
11 of a suspect."

12 SECTION 4. Chapter 266, Hawaii Revised Statutes, is  
13 amended by adding a new section to part I to be appropriately  
14 designated and to read as follows:

15 "§266- Racial profiling prevention; policy; training.

16 (a) The department of transportation shall adopt a policy and  
17 implement an annual training program for its enforcement  
18 officers regarding racial profiling prevention that provides and  
19 instructs that the officers shall not use a person's race or  
20 ethnicity to form probable cause or reasonable suspicion to stop



1 a vehicle but may use a person's race or ethnicity to confirm a  
2 previously obtained description of a suspect.

3 (b) Enforcement officers of the department of  
4 transportation shall not use a person's race or ethnicity to  
5 form probable cause or reasonable suspicion to stop a vehicle  
6 but may use a person's race or ethnicity to confirm a previously  
7 obtained description of a suspect."

8 SECTION 5. Chapter 353C, Hawaii Revised Statutes, is  
9 amended by adding a new section to be appropriately designated  
10 and to read as follows:

11 "§353C- Racial profiling prevention; policy; training.

12 (a) The department shall adopt a policy and implement an annual  
13 training program for its public safety officers and law  
14 enforcement officers regarding racial profiling prevention that  
15 provides and instructs that the officers shall not use a  
16 person's race or ethnicity to form probable cause or reasonable  
17 suspicion to stop a vehicle but may use a person's race or  
18 ethnicity to confirm a previously obtained description of a  
19 suspect.

20 (b) Public safety officers and law enforcement officers  
21 shall not use a person's race or ethnicity to form probable



1 cause or reasonable suspicion to stop a vehicle but may use a  
2 person's race or ethnicity to confirm a previously obtained  
3 description of a suspect."

4 SECTION 6. There is appropriated out of the general  
5 revenues of the State of Hawaii the sum of \$ or so much  
6 thereof as may be necessary for fiscal year 2018-2019 for the  
7 attorney general to implement a racial profiling prevention  
8 policy and program.

9 The sum appropriated shall be expended by the department of  
10 the attorney general for the purposes of this Act.

11 SECTION 7. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ or so much  
13 thereof as may be necessary for fiscal year 2018-2019 to:

- 14 (1) The county of Hawaii: \$ ;
- 15 (2) The city and county of Honolulu: \$ ;
- 16 (3) The county of Kauai: \$ ; and
- 17 (4) The county of Maui: \$ ,

18 for implementation of a racial profiling prevention policy and  
19 program.

20 The sum appropriated shall be expended by each respective  
21 county for the purposes of this Act.



1 SECTION 8. There is appropriated out of the general  
 2 revenues of the State of Hawaii the sum of \$ or so much  
 3 thereof as may be necessary for fiscal year 2018-2019 for the  
 4 board of land and natural resources to implement a racial  
 5 profiling prevention policy and program.

6 The sum appropriated shall be expended by the department of  
 7 land and natural resources for the purposes of this Act.

8 SECTION 9. There is appropriated out of the general  
 9 revenues of the State of Hawaii the sum of \$ or so much  
 10 thereof as may be necessary for fiscal year 2018-2019 for the  
 11 department of transportation to implement a racial profiling  
 12 prevention policy and program.

13 The sum appropriated shall be expended by the department of  
 14 transportation for the purposes of this Act.

15 SECTION 10. There is appropriated out of the general  
 16 revenues of the State of Hawaii the sum of \$ or so much  
 17 thereof as may be necessary for fiscal year 2018-2019 for the  
 18 department of public safety to implement a racial profiling  
 19 prevention policy and program.

20 The sum appropriated shall be expended by the department of  
 21 public safety for the purposes of this Act.



# H.B. NO. 1848

1 SECTION 11. New statutory material is underscored.

2 SECTION 12. This Act shall take effect on July 1, 2018.

3

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'D. J. ...', written over a horizontal line.

JAN 18 2018



# H.B. NO. 1848

**Report Title:**

Racial Profiling Prevention; Law Enforcement; Policies and Training; Appropriations

**Description:**

Prohibits state and county law enforcement officers from using a person's race or ethnicity to form probable cause or reasonable suspicion to stop a vehicle. Appropriates moneys for the implementation of an annual racial profiling prevention training program for state and county law enforcement officers.

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

