

STAND. COM. REP. NO.

3695

Honolulu, Hawaii

JUN 26 2020

RE: H.B. No. 1278
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 1278, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to appropriate funds for the operating budget of the Judiciary for the 2019-2021 fiscal biennium.

Prior to the hearing on this measure, your Committee posted and made available for public review a proposed S.D. 1, which deletes the contents of this measure and inserts language that:

- (1) Provides a preamble;
- (2) Provides that a law enforcement officer has a duty to intervene if the officer reasonably believes that another officer is using or about to use unnecessary or excessive force on an arrestee;
- (3) Requires the intervening law enforcement officer to report the incident to the other law enforcement officer's supervisor; and



- (4) Requires relevant departments to submit an annual report to the Legislature regarding any incidents of a law enforcement officer using unnecessary or excessive force.

Your Committee received testimony in support of the proposed S.D. 1 from the Department of Transportation. Your Committee received testimony in opposition to the proposed S.D.1 from one individual. Your Committee received comments on the proposed S.D. 1 from the Department of Public Safety, Honolulu Police Department, and American Civil Liberties Union of Hawai'i.

Your Committee finds that citizens across the United States have gathered to call for major reforms of policies regarding the use of excessive force by law enforcement officers. Existing law remains silent as to the responsibilities of law enforcement officers who are witnessing another officer using or about to use unnecessary or excessive force on an arrestee. Your Committee further finds that to align the State with the current movement to address the use of unnecessary or excessive force, thereby improving the safety for both law enforcement officers and citizens, state law should clearly state the responsibilities of all law enforcement officers. This measure will ensure that only proper use of force is used on an arrestee by explicitly stating the responsibilities of law enforcement officers when another officer is using or about to use unnecessary or excessive use of force.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by 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 Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1278, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1278, H.D. 2, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



