

---

## A BILL FOR AN ACT

---

RELATING TO USE OF FORCE IN SELF-PROTECTION.

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

1       SECTION 1. Section 703-304, Hawaii Revised Statutes, is  
2       amended by amending subsections (5) and (6) to read as follows:  
3       "(5) The use of deadly force is not justifiable under this  
4       section if[+  
5       ~~(a) The]~~ the actor, with the intent of causing death or  
6       serious bodily injury, provoked the use of force against himself  
7       in the same encounter[;—~~or~~  
8       ~~(b) The actor knows that he can avoid the necessity of~~  
9       ~~using such force with complete safety by retreating or~~  
10      ~~by surrendering possession of a thing to a person~~  
11      ~~asserting a claim of right thereto or by complying~~  
12      ~~with a demand that he abstain from any action which he~~  
13      ~~has no duty to take, except that:~~  
14      ~~(i) The actor is not obliged to retreat from his~~  
15      ~~dwelling or place of work, unless he was the~~  
16      ~~initial aggressor or is assailed in his place of~~



1                   ~~work by another person whose place of work the~~  
2                   ~~actor knows it to be; and~~  
3                   ~~(ii)]~~.

4           (6) A public officer justified in using force in the  
5 performance of his duties, or a person justified in using force  
6 in his assistance or a person justified in using force in making  
7 an arrest or preventing an escape, is not obliged to desist from  
8 efforts to perform his duty, effect the arrest, or prevent the  
9 escape because of resistance or threatened resistance by or on  
10 behalf of the person against whom the action is directed.

11           ~~[(6)]~~ (7) The justification afforded by this section  
12 extends to the use of confinement as protective force only if  
13 the actor takes all reasonable measures to terminate the  
14 confinement as soon as he knows that he safely can, unless the  
15 person confined has been arrested on a charge of crime."

16           SECTION 2. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19           SECTION 3. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21           SECTION 4. This Act shall take effect upon its approval.



H.B. NO. 2464

1

INTRODUCED BY:



JAN 26 2022



# H.B. NO. 2464

**Report Title:**

Self-Protection; Use of Force; Deadly Force

**Description:**

Clarifies when the use of deadly force is not justified.

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

