

Honolulu, Hawaii

APR 21 2017

RE: H.C.R. No. 125
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.C.R. No. 125, H.D. 1, entitled:

"HOUSE CONCURRENT RESOLUTION DECLARING HAWAII TO BE A HO'OKIPA (WELCOMING) STATE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Request the State and its political subdivisions to recognize that immigration is a federal function;
- (2) Request local law enforcement agencies to decline to work with federal immigration agencies; and
- (3) Request that the State and its political subdivisions not expend state or county funds by entering into any agreements under section 287(g) of the Immigration and Nationality Act or any similar agreement with the United States Immigration and Customs Enforcement (ICE), or by engaging in any other law enforcement activities that collaborate with ICE or any other federal law enforcement agency in connection with the deportation of undocumented immigrants who have not been convicted of committing a violent crime.



Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission; American Civil Liberties Union of Hawai'i; ACLU People Power; Filipino-Americans Advocacy Network; Filipino American Citizens League; Hawai'i Friends of Civil Rights; Hawaii J-20+; IMUAlliance; Japanese American Citizens League, Honolulu Chapter; Nursing Advocates & Mentors, Inc.; People Power; Planned Parenthood Votes Northwest and Hawaii; Muslim Association of Hawaii; African American Lawyers Association of Hawai'i; and forty-six individuals.

Your Committee finds that the traditional Hawaiian value of ho'okipa, or open-hearted hospitality, is customarily observed by the residents of Hawaii. Ho'okipa and the unique spirit of inclusiveness allow Hawaii's diverse population to live in relative harmony. However, allowing a state or local law enforcement agency to enter into a partnership with the Immigration and Customs Enforcement (ICE) division of the Department of Homeland Security to receive delegated authority for immigration enforcement within its respective jurisdiction under section 287(g) of the Immigration and Nationality Act is contrary to the traditional Hawaiian value of ho'okipa.

Your Committee notes the written testimony submitted by the American Civil Liberties Union of Hawai'i that indicates that Hawaii is one of only seven states that fully comply with ICE detainers. Your Committee further notes the concerns raised by the American Civil Liberties Union of Hawai'i that when local law enforcement agencies act as an extension of the immigration system, public trust is corroded, collaboration with federal immigration authorities is expensive, and deportation tears families apart. This measure ensures that the traditional Hawaiian value of ho'okipa is maintained in Hawaii.

Your Committee has amended this measure by:

- (1) Amending its title to also reflect that the purpose of this measure is to request local law enforcement agencies to decline to work with federal immigration authorities;
- (2) Deleting the Chief Justice from the list of recipients of a certified copy; and



- (3) 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 Judiciary and Labor that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 125, H.D. 1, as amended herein, and recommends its adoption in the form attached hereto as H.C.R. No. 125, H.D. 1, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HCP125, HDI	Committee Referral: JDL	Date: 4/18/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike			✓	
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes