
A BILL FOR AN ACT

RELATING TO IMMIGRATION.

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

1 SECTION 1. The legislature finds that according to a
2 report published by the American Immigration Council in 2020,
3 Hawaii is home to 266,147 immigrants, including forty-five
4 thousand undocumented immigrants. The legislature further finds
5 that Hawaii is justifiably proud of its rich immigrant heritage,
6 which has woven many people into a valued tapestry of races,
7 ancestral groups, religions, cultures, and languages from many
8 parts of the world.

9 The legislature further finds that approximately seven per
10 cent of Hawaii public school students have at least one parent
11 who is an undocumented immigrant. Education is critically
12 important to the proper acculturation and adaptation to living
13 in Hawaii and the United States. Schools should be a safe and
14 secure location for students to learn and grow.

15 The legislature also finds that the Hawaii health systems
16 corporation is the safety net for acute care on the neighbor
17 islands and long-term care throughout the State. As a safety



1 net system of hospitals and providers, the Hawaii health systems
2 corporation provides services regardless of whether an
3 individual has health insurance or the ability to pay. The
4 Hawaii health systems corporation operates eight hundred and
5 forty-seven licensed beds in facilities located on four
6 different islands and is affiliated with three nonprofits on
7 Oahu, Maui, and Hawaii island and plays a critical role in
8 supporting the health care needs of the State's immigrant
9 population.

10 The legislature additionally finds that while immigration
11 is a federal function, state and local agencies have significant
12 discretion regarding whether and how to respond to requests for
13 assistance from federal immigration enforcement. The
14 enforcement of immigration law is carried out by Immigration and
15 Customs Enforcement and Customs and Border Protection, both of
16 which are agencies of the United States Department of Homeland
17 Security. Federal law does not require state and local entities
18 to collect or share information with Immigration and Customs
19 Enforcement and Customs and Border Protection. Rather, federal
20 law, under title 8 United States Code section 1373, limits state
21 and local governments from restricting communication with



1 federal immigration authorities concerning "information
2 regarding the immigration status, lawful or unlawful, of any
3 individual". There is no affirmative duty for state and local
4 governments to collect or share this information, and there is
5 no prohibition against preventing the communication of other
6 non-public information.

7 The legislature further finds that because Hawaii is home
8 to people of diverse ethnic, racial, and national backgrounds,
9 including immigrants who are valuable and important members of
10 our community, and because of Hawaii's strong due process and
11 civil rights protections for all, it is essential to ensure that
12 immigrants and migrants are provided due process and civil
13 rights protections in the State's public schools and while
14 receiving care in the State's safety net health care facilities.

15 Accordingly, the purpose of this Act is to prohibit certain
16 covered educational entities and Hawaii health systems
17 corporation facilities from collecting information regarding
18 citizenship or immigration status or allowing officers of
19 Immigration and Customs Enforcement to enter certain facilities
20 except under specific circumstances.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER
5 DUE PROCESS IMMIGRATION STATUS PROTECTIONS IN CERTAIN
6 EDUCATIONAL AND HEALTH FACILITIES

7 § -1 Definitions. As used in this chapter:

8 "Affiliated facility" means an affiliate of the Hawaii
9 health systems corporation.

10 "Charter school" has the same meaning as in section 302D-1.

11 "Civil immigration detainer", "civil immigration warrant",
12 or "immigration hold" means an immigration detainer issued
13 pursuant to title 8 Code of Federal Regulations section 287.7 or
14 any similar request from Immigration and Customs Enforcement or
15 Customs and Border Protection for detention of an individual
16 suspected of violating civil immigration law.

17 "Complex area superintendent" has the same meaning as in
18 section 302A-101.

19 "Covered educational entity" means department of education
20 facilities, department schools, and charter schools.



1 "Customs and Boarder Protection" means United States
2 Customs and Border Protection, a component of the United States
3 Department of Homeland Security.

4 "Department school" has the same meaning as in section
5 302A-101.

6 "Hawaii health systems corporation facility" means any
7 facility owned or operated by the Hawaii health systems
8 corporation or any of its regional system boards or an
9 affiliated facility.

10 "Immigration and Customs Enforcement" means United States
11 Immigration and Customs Enforcement, a component of the United
12 States Department of Homeland Security.

13 "Judicial warrant" means a warrant based on probable cause
14 and issued by a federal judge or a federal magistrate judge
15 appointed under Article III of the United States Constitution
16 who authorizes federal immigration authorities to take into
17 custody the individual who is the subject of the warrant.

18 "Judicial warrant" shall not include a civil immigration
19 warrant, administrative warrant, or other document signed only
20 by Immigration and Customs Enforcement or Customs and Border
21 Protection officials.



1 "Superintendent" has the same meaning as in section 302A-
2 101.

3 § -2 Due process in covered educational entity

4 facilities. (a) Except as required by federal or state law or
5 judicial warrant or as required to administer a federally or
6 state supported educational program, school officials and
7 employees of a covered educational entity shall not:

8 (1) Collect information or documents regarding citizenship
9 or immigration status of pupils or their family
10 members; or

11 (2) Allow an officer or employee of Immigration and
12 Customs Enforcement to enter a covered educational
13 entity facility for any purpose without providing
14 valid identification, a written statement of purpose,
15 and a valid judicial warrant, and receiving approval
16 from the superintendent or the superintendent's
17 designee, complex area superintendent or the complex
18 area superintendent's designee, and principal of the
19 department school or charter school or principal's
20 designee.



1 (b) If an officer or employee of Immigration and Customs
2 Enforcement meets the requirements provided in subsection (a),
3 the covered educational entity shall limit access to facilities
4 where pupils are not present.

5 (c) The superintendent or the superintendent's designee,
6 complex area superintendent or the complex area superintendent's
7 designee, and principal of the department school or charter
8 school or the principal's designee shall immediately report to
9 the board of education or public charter school commission, as
10 applicable, any requests for information or access to a covered
11 educational entity by Immigration and Customs Enforcement for
12 the purpose of enforcing immigration laws, including but not
13 limited to civil immigration detainers, civil immigration
14 warrants, or immigration holds, in a manner that ensures the
15 confidentiality of any potentially identifying information.

16 (d) The covered educational entity shall:

- 17 (1) Provide information to parents and guardians, as
18 appropriate, regarding their child's right to a free
19 public education, regardless of immigration status;
20 and



1 (2) Educate pupils about the negative impact of bullying
 2 other pupils based on their actual or perceived
 3 immigration status.

4 (e) This section shall not prohibit the board of
 5 education, the public charter school commission, or a covered
 6 educational entity from establishing additional standards and
 7 protections.

8 **§ -3 Due process in Hawaii health systems corporation**

9 **facilities.** (a) Except as required by federal or state law or
 10 judicial warrant, officials and employees of a Hawaii health
 11 systems corporation facility shall not:

12 (1) Collect information or documents regarding citizenship
 13 or immigration status of patients and visitors; or

14 (2) Allow an officer or employee of Immigration and
 15 Customs Enforcement to enter a facility for any
 16 purpose without providing valid identification, a
 17 written statement of purpose, and a valid judicial
 18 warrant, and receiving approval from the president and
 19 chief executive officer of the Hawaii health systems
 20 corporation or the president and chief executive
 21 officer's designee; the regional chief executive



1 officer of the respective Hawaii health systems
2 corporation regional board or the chief administrator
3 of an affiliated facility, as applicable, or their
4 designee; and the attending physician, as applicable.

5 (b) If an officer or employee of Immigration and Customs
6 Enforcement meets the requirements provided in subsection (a),
7 the Hawaii health systems corporation facility shall limit
8 access to areas where patients are not present.

9 (c) The president and chief executive officer of the
10 Hawaii health systems corporation or the president and chief
11 executive officer's designee; the regional chief executive
12 officer of the respective Hawaii health systems corporation
13 regional board or the chief administrator of an affiliated
14 facility, as applicable, or their designee; and the attending
15 physician shall immediately report to the board of directors of
16 the Hawaii health systems corporation any requests for
17 information or access to a Hawaii health systems corporation
18 facility by Immigration and Customs Enforcement for the purpose
19 of enforcing immigration laws, including but not limited to
20 civil immigration detainers, civil immigration warrants, or



1 immigration holds, in a manner that ensures the confidentiality
2 and privacy of any potentially identifying information.

3 (d) This section shall not prohibit the Hawaii health
4 systems corporation or any of its regional system boards or an
5 affiliated facility from establishing additional standards and
6 protections."

7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY:



JAN 17 2025



H.B. NO. 440

Report Title:

Filipino Caucus; Immigration Status; Citizenship Status; Due Process; Immigration and Customs Enforcement; Public Schools; Charter Schools; Hawaii Health Systems Corporation

Description:

Prohibits certain covered educational entities and Hawaii Health Systems Corporation facilities from collecting information regarding citizenship or immigration status or allowing officers of Immigration and Customs Enforcement to enter certain facilities, except under specific circumstances.

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