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# A BILL FOR AN ACT

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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.



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

**"CHAPTER  
DUE PROCESS IMMIGRATION STATUS PROTECTIONS IN CERTAIN  
EDUCATIONAL AND HEALTH FACILITIES**

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

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

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

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

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

"Covered educational entity" means department of education 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.

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

