
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 the State is
2 committed to ensuring that all residents of Hawaii are treated
3 equally notwithstanding race, religion, national origin,
4 disability status, sexual orientation, gender, or immigration
5 status.

6 The legislature further finds that all residents of the
7 State are entitled to live in dignity and without fear. The
8 legislature also finds that immigrants are valuable and
9 essential members of the community and should be able to live
10 full and productive lives without fear of the government.

11 Furthermore, the legislature finds that a relationship of
12 trust between this State's immigrant community and state and
13 county agencies is central to the public safety of the people of
14 Hawaii. This trust is threatened when state and county agencies
15 are entangled with federal immigration enforcement, with the
16 result that immigrant community members fear going to court,
17 seeking basic health or other services, or pursuing education to



1 the detriment of public safety and the well-being of all
2 residents.

3 Therefore, the purpose of this Act is to:

4 (1) Prohibit any state or county law enforcement agency or
5 law enforcement official from entering into an
6 agreement under title 8 United States Code section
7 1357(g) or any other federal law that permits state or
8 county agencies to engage in immigration enforcement;
9 and

10 (2) Prohibit state and county law enforcement agencies or
11 law enforcement officials from engaging in certain
12 immigration-related actions, except under limited
13 circumstances.

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

17 **"CHAPTER**

18 **IMMIGRATION ENFORCEMENT; PROHIBITIONS**

19 **§ -1 Definitions.** As used in this chapter, unless the
20 context clearly requires otherwise:



1 "County" includes the city and county of Honolulu, county
2 of Hawaii, county of Kauai, and county of Maui.

3 "Federal immigration authority" means any federal officer,
4 employee, or person performing immigration enforcement
5 functions.

6 "Hold request" means a request by any immigration authority
7 that a state or county law enforcement agency maintain custody
8 of an individual currently in its custody beyond the time the
9 individual would otherwise be eligible for release in order to
10 facilitate transfer to the immigration authority.

11 "Immigration enforcement" includes any effort to:

12 (1) Investigate, enforce, or assist in the investigation
13 or enforcement of any federal civil immigration law;
14 or
15 (2) Investigate, enforce, or assist in the investigation
16 or enforcement of any federal criminal immigration law
17 that penalizes a person's presence in, entry, or
18 reentry to, or employment in, the United States,
19 including but not limited to violations of title 8
20 United States Codes sections 1253, 1304, 1306(a) and
21 (b), 1325, or 1326.



1 "Law enforcement agency" means any agency in the State
2 charged with enforcement of state or county laws or ordinances,
3 or with managing the custody of detained persons in the State.

4 "Law enforcement official" means any officer or other agent
5 of a state or county law enforcement agency authorized to
6 enforce state or county criminal laws or ordinances; operate
7 correctional facilities or juvenile detention facilities; or
8 maintain custody of individuals in correctional facilities or
9 juvenile detention facilities.

10 **§ -2 Immigration enforcement agreements; prohibited.** No
11 law enforcement agency or law enforcement official shall enter
12 into an agreement under title 8 United States Codes section
13 1357(g) or any other federal law that permits state or county
14 agencies to engage in immigration enforcement.

15 **§ -3 Prohibited actions by law enforcement agencies or**
16 **law enforcement officials.** No law enforcement agency or law
17 enforcement official shall:

18 (1) Inquire about the citizenship or immigration status of
19 an individual, except as required by law;



- (2) Provide information pursuant to notification requests from federal immigration authorities for the purposes of immigration enforcement, except as required by law;
- (3) Provide non-publicly available personal information to federal immigration authorities about an individual in a noncriminal matter, except as required by law;
- (4) Allow federal immigration authorities access to interview individuals about federal immigration violations while they are in custody, except as required by law or by court order, unless such individuals consent in writing to be interviewed;
- (5) Detain an individual on the basis of a hold request;
- (6) Provide information regarding an individual's release date to federal immigration authorities; or
- (7) Transfer an individual to federal immigration authorities, unless authorized by a judicial warrant or judicial determination of probable cause."

18 SECTION 3. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.

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



H.B. NO. 1768

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INTRODUCED BY:

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H.B. NO. 1768

Report Title:

State and County Law Enforcement; Immigration Enforcement Actions; Prohibition

Description:

Prohibits any law enforcement agency or law enforcement official from entering into an agreement under title 8 United States Codes section 1357(g) or any other federal law that permits state or county agencies to engage in immigration enforcement. Prohibits law enforcement agencies or law enforcement officials from engaging in certain immigration-related actions, except under limited circumstances.

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