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# 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 the State are  
3 treated 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 the 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 prohibit:

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

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

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

16 **"CHAPTER**

17 **IMMIGRATION ENFORCEMENT; PROHIBITIONS**

18 § -1 **Definitions.** As used in this chapter:

19 "County" includes the city and county of Honolulu, county  
20 of Hawaii, county of Kauai, and county of Maui.



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

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

10 "Immigration enforcement" includes any effort to  
11 investigate, enforce, or assist in the investigation or  
12 enforcement of:

- 13 (1) Any federal civil immigration law; or  
14 (2) Any federal criminal immigration law that penalizes a  
15 person's presence in, entry into, reentry into, or  
16 employment in the United States, including but not  
17 limited to violations of title 8 United States Codes  
18 sections 1253, 1304, 1306(a) and (b), 1325, or 1326.

19 "Law enforcement agency" means any agency in the State  
20 charged with enforcing state or county laws or ordinances,  
21 operating correctional facilities or juvenile detention



1 facilities, or maintaining custody of individuals in  
2 correctional facilities or juvenile detention facilities.

3 "Law enforcement official" means an officer or agent of a  
4 law enforcement agency.

5 § -2 **Immigration enforcement agreements; prohibited.** No  
6 law enforcement agency or law enforcement official shall enter  
7 into an agreement under title 8 United States Code section  
8 1357(g) or any other federal law that permits state or county  
9 agencies to engage in immigration enforcement.

10 § -3 **Prohibited actions by law enforcement agencies or**  
11 **law enforcement officials.** No law enforcement agency or law  
12 enforcement official shall:

13 (1) Inquire about the citizenship or immigration status of  
14 an individual, except as required by law or if there  
15 is a connection between such information and an  
16 investigation into a violation of state or county  
17 criminal law;

18 (2) Provide information pursuant to notification requests  
19 from federal immigration authorities for the purposes  
20 of immigration enforcement, except as required by law;



- 1 (3) Provide non-publicly available personal information to  
2 federal immigration authorities about an individual in  
3 a noncriminal matter, except as required by law;
- 4 (4) Allow federal immigration authorities access to  
5 interview individuals about federal immigration  
6 violations while the individuals are in custody,  
7 except as required by law or by court order, unless  
8 the individuals consent in writing to be interviewed;
- 9 (5) Detain an individual on the basis of a hold request;
- 10 (6) Provide information regarding an individual's release  
11 date to federal immigration authorities; or
- 12 (7) Transfer an individual to federal immigration  
13 authorities, unless authorized by a judicial warrant  
14 or judicial determination of probable cause.

15 § -4 **Construction; federal law.** Nothing in this chapter  
16 shall be construed as prohibiting or restricting any state or  
17 county law enforcement agency or any law enforcement official  
18 from acting accordance with title 8 United States Code sections  
19 1373 and 1644."



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

4 SECTION 4. This Act shall take effect on July 1, 2055.



**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 federal law that permits state or county agencies to engage in immigration enforcement. Prohibits law enforcement agencies and law enforcement officials from engaging in certain immigration-related actions, except under limited circumstances. Effective 7/1/2055. (SD2)

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

