



1 "Law enforcement agency" has the same meaning as defined in  
2 section 139-1.

3 "Law enforcement officer" has the same meaning as defined  
4 in section 139-1.

5 "Legal assistance" means legal advice or representation  
6 provided by an attorney or an individual under the direct  
7 supervision of an attorney.

8 "Personal information" means any information that is linked  
9 or reasonably linkable, alone or in combination with other  
10 information, to an identified or identifiable individual, or a  
11 device that identifies or is linked or reasonably linkable to an  
12 individual, including geolocation.

13 "Public employee" means any nominated, appointed, or  
14 elected officer or employee of the State or any county,  
15 including the political subdivisions and agencies thereof, any  
16 employee under contract with the State or any county, and any  
17 probationary or provisional employee of the State or county.

18 **§ -2 Limitation on state and federal collaboration;**  
19 **immigration enforcement.** (a) Except as required by federal or  
20 state law, no state or county departments or agencies shall  
21 assist or cooperate with immigration enforcement operations.



1 (b) Except as required by federal or state law, no public  
2 employee acting in their official capacity shall assist or  
3 cooperate with, or allow any time, money, facilities, property,  
4 equipment, personnel, or other resources to be used to assist,  
5 cooperate with, or facilitate any operation executed in whole or  
6 part by federal authorities or out-of-state authorities that  
7 seeks to identify, arrest, or otherwise impose:

8 (1) A penalty or civil or criminal liability upon a person  
9 or entity based on their engagement in activities  
10 protected by the United States Constitution or the  
11 Hawaii State Constitution regarding assembly,  
12 petitioning, and speech; or

13 (2) A penalty upon a person for purposes of federal  
14 immigration enforcement, including an immigration  
15 enforcement operation occurring at or near a school,  
16 health facility, courthouse, or place of worship.

17 § -3 **Limitation on state deputization.** A public  
18 employee or law enforcement officer shall not request assistance  
19 from a federal law enforcement officer for the enforcement of  
20 state laws regarding check points, screenings, or motor vehicle  
21 traffic stops.



1           §   -4 **Agreements for criminal law enforcement.** (a) If a  
2 law enforcement agency enters into an agreement with federal  
3 authorities for the purpose of criminal law enforcement, the  
4 agreement shall be in writing and shall not authorize the  
5 participation of federal law enforcement officers or federal  
6 authorities in checkpoints, screenings, or motor vehicle traffic  
7 stops conducted at the direction, or with the assistance, of a  
8 law enforcement agency or law enforcement officer.

9           (b) Any agreement under subsection (a) shall not exceed  
10 two years and shall include a requirement for the training of  
11 involved federal law enforcement officers on state  
12 constitutional and statutory civil rights protections. Any  
13 agreement shall be subject to review and approval by the  
14 attorney general.

15           §   -5 **Task force; prohibition.** (a) No public employee,  
16 law enforcement agency, or law enforcement officer shall take  
17 part in or seek to enter an agreement with federal authorities  
18 or out-of-state authorities for the purposes of collecting  
19 personal information or providing assistance with surveillance,  
20 investigations, or prosecution or an immigration enforcement  
21 operation, including a joint federal-state operation such as a



1 federal Department of Homeland Security task force, fusion  
2 center, or joint terrorism task force, if the public employee,  
3 law enforcement agency, or law enforcement officer has reason to  
4 believe the agreement would result in:

5 (1) Conduct that amounts to a violation of individual  
6 liberties and rights guaranteed under the United  
7 States Constitution or Hawaii State Constitution,  
8 including racial profiling, unlawful surveillance or  
9 investigation, excessive use of force, or unlawful  
10 detention;

11 (2) Conduct that seeks to identify, apprehend, arrest, or  
12 impose civil or criminal liability or other penalties  
13 upon a person or entity for:

14 (A) Engaging in protected activities including  
15 assembly, petitioning, and speech;

16 (B) The provision of humanitarian assistance, legal  
17 assistance, or other aid to benefit an  
18 individual;

19 (C) Civil immigration detention, removal, or  
20 deportation proceedings;

21 (D) Offenses related to immigration status; or



1 (E) Nonfederal misdemeanors and violations, including  
2 motor vehicle offenses and traffic violations; or

3 (3) An attempt to obtain data from a law enforcement  
4 agency, conduct surveillance, or investigate domestic  
5 terrorism and organized political violence in  
6 furtherance of the objectives of National Security  
7 Presidential Memorandum-7.

8 (b) Before the renewal or establishment of a new  
9 agreement, the law enforcement agency shall seek and receive  
10 written approval from the attorney general that the agreement is  
11 in compliance with applicable state laws.

12 § -6 **Penalties.** Any person who violates this chapter  
13 shall be guilty of a misdemeanor and upon conviction, the person  
14 shall be fined no more than \$2,000 or imprisoned no more than  
15 one year, or both.

16 § -7 **Safe harbor; good faith compliance.** No public  
17 employee or law enforcement officer shall be subject to  
18 penalties or civil liability for an act or omission taken in  
19 good faith when attempting to comply with this chapter or when  
20 responding to perceived federal authority.



1           §   -8   **Construction; federal law.** Nothing in this chapter  
2 shall be construed as prohibiting or restricting any public  
3 employee or state or county entity from acting in accordance  
4 with title 8 United States Code sections 1373 and 1644."

5           SECTION 2. Chapter 139, Hawaii Revised Statutes, is  
6 amended by adding a new section to be appropriately designated  
7 and to read as follows:

8           "§139-           Identification requirements; face coverings.

9           (a) No law enforcement officer or federal law enforcement  
10 officer shall wear a facial covering that conceals or obscures  
11 the officer's identity while engaged in any official duty in a  
12 public setting, except as provided in subsection (e).

13           (b) Every law enforcement officer and federal law  
14 enforcement officer engaging in official duties in a public  
15 setting shall display visible identification on the outermost  
16 garment or gear that includes the officer's agency and either  
17 the officer's last name or unique badge number; provided that  
18 this subsection shall not apply to a plainclothes or undercover  
19 operation authorized by supervising personnel or court order  
20 where disclosure of identity would jeopardize officer safety or  
21 the integrity of the operation.



- 1        (c) Each law enforcement agency shall:
- 2        (1) Establish and maintain written policies that are  
3        available to the public to ensure compliance with this  
4        section; and
- 5        (2) Ensure that all law enforcement officers receive  
6        training on the requirements of this section.
- 7        (d) Law enforcement agencies shall provide identification  
8        numbers or badges in a manner consistent with law enforcement  
9        officer safety; provided that the identifying information  
10       remains visible and usable to members of the public during any  
11       public interaction.
- 12       (e) Subsections (a) and (b) shall not apply:
- 13       (1) In situations where a law enforcement officer or  
14       federal law enforcement officer is engaged in an  
15       active tactical operation, including special weapons  
16       and tactics team responses or high-risk warrant  
17       service, where facial coverings are necessary for  
18       ballistic, respiratory, or operational safety;
- 19       (2) When the law enforcement officer or federal law  
20       enforcement officer is acting in an undercover  
21       operation authorized by supervising personnel or court



1 order and disclosure of identity would jeopardize the  
2 safety of the officer or the integrity of the  
3 operation;

4 (3) When the use of protective equipment is required due  
5 to hazardous environmental conditions, including  
6 smoke, debris, biohazards, or other conditions where  
7 respiratory or facial protection is necessary; or

8 (4) In exigent circumstances involving an imminent danger  
9 to persons or property, the escape of a perpetrator,  
10 or the destruction of evidence, including if a law  
11 enforcement officer or federal law enforcement officer  
12 is responding to those circumstances while off duty.

13 (f) As used in this section, "federal law enforcement  
14 officer" has the same meaning as defined in section -1."

15 SECTION 3. Chapter 710, Hawaii Revised Statutes, is amended  
16 by adding two new sections to part II to be appropriately  
17 designated and to read as follows:

18 "§710- Facial coverings and visible identification for  
19 law enforcement officers. (1) Except as expressly authorized in  
20 this section:



1        (a) No law enforcement officer shall intentionally wear a  
2        facial covering that conceals or obscures the law  
3        enforcement officer's facial identity while the officer  
4        is performing official duties; and

5        (b) Each law enforcement officer, at all times while on  
6        duty, shall wear identification displayed in a manner  
7        that is clearly visible and readable during direct  
8        engagement with the public; displayed on the outermost  
9        garment or gear; not obscured by tactical equipment,  
10       body armor, or accessories; and that shall include:

11       (i) The full name or widely recognized initials of  
12       the officer's employing agency; and

13       (ii) The officer's last name or unique badge or  
14       identification number.

15       (2) This section shall not apply to an officer subject to  
16       one or more of the exemptions set forth in section 139- (e).

17       (3) Violation of this section shall be a petty misdemeanor  
18       for the first offense and a misdemeanor for the second or  
19       subsequent offense.

20       (4) Notwithstanding any other law to the contrary, a law  
21       enforcement officer who is found to have committed an assault,



1 battery, false imprisonment, false arrest, abuse of process, or  
2 malicious prosecution, while wearing a facial covering or failing  
3 to comply with visible identification requirements in violation  
4 of this section shall not be entitled to assert any privilege or  
5 immunity for the tortious conduct against a claim of civil  
6 liability and shall be liable for actual damages or statutory  
7 damages of at least \$10,000, whichever is greater.

8 (5) The requirements and exemptions in this section shall  
9 be construed consistently with section 139- .

10 (6) For the purposes of this section, "facial covering"  
11 means any opaque mask, garment, helmet, headgear, or other item  
12 that conceals or obscures the facial identity of an individual,  
13 including a balaclava, tactical mask, gaiter, ski mask, and any  
14 similar type of facial covering or face-shielding item. "Facial  
15 covering" shall not include:

16 (a) A translucent face shield or clear mask that does not  
17 conceal the wearer's facial identity;

18 (b) An N95 medical mask or surgical mask to protect against  
19 transmission of disease or infection or any other mask,  
20 helmet, or a device, including an air-purifying  
21 respirator, full or half mask, or self-contained



1 breathing apparatus necessary to protect against  
2 exposure to any toxin, gas, smoke, inclement weather,  
3 or any other hazardous or harmful environmental  
4 condition;

5 (c) A mask, helmet, or device, including a self-contained  
6 breathing apparatus, necessary for underwater use;

7 (d) A motorcycle helmet when worn by an officer while in  
8 the performance of their duties and utilizing a  
9 motorcycle or other vehicle that requires a helmet for  
10 safe operations; or

11 (e) Eyewear necessary to protect from the use of retinal  
12 weapons, including lasers, or ordinary eyewear used for  
13 sun protection;

14 provided that the identification required under this section is  
15 still visible.

16 **§710- Unauthorized civil immigration arrest or**

17 **detention.** (1) A person commits the offense of unauthorized  
18 civil immigration arrest or detention if the person is a law  
19 enforcement officer, acting under color of law, who  
20 intentionally or knowingly acts beyond the scope of the law  
21 enforcement officer's lawful authority by initiating or



1 prolonging a stop, detention, or arrest for the purpose of  
2 determining or enforcing the person's civil immigration status  
3 when the law enforcement officer lacks reasonable suspicion,  
4 based on specific and articulable facts, that the person is  
5 unlawfully present in the United States.

6 (2) Unauthorized civil immigration arrest or detention  
7 shall be a class C felony.

8 (3) For the purposes of this section:

9 "Civil immigration status" means a person's status under  
10 federal immigration law that is civil in nature and not, by  
11 itself, a criminal offense under state law.

12 "Reasonable suspicion" shall not be based solely on race,  
13 color, ethnicity, national origin, ancestry, language, accent,  
14 religion, manner of dress, presence in a particular location, or  
15 the exercise of rights protected by the United States  
16 Constitution."

17 SECTION 4. If any provision of this Act, or the  
18 application thereof to any person or circumstance, is held  
19 invalid, the invalidity does not affect other provisions or  
20 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions  
2 of this Act are severable.

3 SECTION 5. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 6. New statutory material is underscored.

7 SECTION 7. This Act shall take effect on July 1, 2055.



**Report Title:**

Law Enforcement; State and County Law Enforcement; Federal Law Enforcement; State and Federal Collaboration; Visible Identification; Facial Coverings; Criminal Offenses

**Description:**

Establishes provisions limiting state and federal collaboration for purposes of immigration enforcement operations. Establishes identification and facial coverings standards for state and federal law enforcement officers. Establishes criminal offenses for improper facial coverings and lack of visible identification and unauthorized civil immigration arrest or detention. Effective 7/1/2055. (SD2)

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