
A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

1 SECTION 1. Chapter 139, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§139- Federal law enforcement collaboration;
5 prohibited. (a) Except as required by federal or state law, no
6 law enforcement officer shall use any personnel or funds
7 originating in the State to assist or facilitate:

8 (1) Federal immigration agents for the purpose of civil
9 immigration enforcement; or

10 (2) Conduct by federal immigration agents that exceeds
11 their law enforcement duty or authority.

12 (b) Except as required by federal or state law, no law
13 enforcement officer shall assist or cooperate with; or allow
14 time, money, facilities, property, equipment, personnel, or
15 other resources to be used to facilitate federal immigration
16 agents in an operation with the purpose of civil immigration



1 enforcement or that seeks to identify, arrest, or impose any
2 other criminal or civil penalty on a person or entity for:

3 (1) Activities protected by the First Amendment of the
4 United States Constitution; or

5 (2) Immigration enforcement purposes, including
6 immigration enforcement that occurs at or near a
7 school, health facility, place of worship, or
8 courthouse.

9 (c) Nothing in this section shall be construed to
10 prohibit:

11 (1) A law enforcement officer from performing the
12 officer's duties under state law, including
13 investigating or enforcing state criminal laws;

14 (2) Compliance with a judicial warrant, court order, or
15 subpoena; or

16 (3) The provision of information or assistance expressly
17 required by federal law or state law, including any
18 mandatory information-sharing duty.

19 (d) For the purposes of this section:

20 "Activities protected by the First Amendment of the United
21 States Constitution" includes:



- 1 (1) Nonviolent speech, assembly, and protest, including
2 marches, rallies, vigils, and demonstrations;
- 3 (2) Recording, photographing, or livestreaming law
4 enforcement activity in a public place; provided that
5 the person does not physically interfere with lawful
6 law enforcement activity; and
- 7 (3) Verbal criticism of, or speaking to, law enforcement
8 officers, including speech that is impolite,
9 offensive, or profane; provided that the conduct does
10 not constitute a true threat or otherwise violate any
11 law.

12 "At or near" means within two hundred feet of, or within
13 the boundaries of, a school, health facility, place of worship,
14 or courthouse, including adjacent sidewalks, parking areas, and
15 access routes, and includes circumstances where federal
16 immigration agents are positioned to observe, question, stop,
17 detain, or arrest persons entering, leaving or present at the
18 location.

19 "Assist" means to provide operational support to a federal
20 immigration agent, including:



- 1 (1) Helping plan, coordinate, staff, or execute an
2 immigration enforcement operation; or
- 3 (2) For immigration enforcement purposes:
- 4 (A) Providing transportation, detention space,
5 security, perimeter control, or access to
6 nonpublic areas; or
- 7 (B) Directly participating in questioning, stops,
8 detentions, or arrests.

9 "Exceeds their law enforcement duty or authority" means
10 conduct by a federal immigration agent that is outside the scope
11 of authority granted by federal law or not supported by a
12 judicial warrant or court order, including actions that a
13 reasonable law enforcement officer would understand to be
14 inconsistent with applicable constitutional requirements based
15 on objective, articulable facts known at the time. The term
16 "exceeds their law enforcement duty or authority" does not
17 include a requirement that a law enforcement officer make a
18 final determination of federal authority.

19 "Facilitate" means to make easier or enable an immigration
20 enforcement operation by providing or allowing the use of time,
21 money, facilities, property, equipment, vehicles, personnel,



1 databases, surveillance technology, communications systems, or
2 other resources, or by sharing nonpublic information not
3 otherwise available to the public, except as required by federal
4 law.

5 "Federal immigration agent" means an officer, agent, or
6 employee of the United States or any federal agency whose duties
7 include the enforcement of federal immigration law, including
8 United States Immigration and Customs Enforcement, United States
9 Customs and Border Protection, and the Department of Homeland
10 Security, and any person acting under their direction.

11 "Law enforcement officer" means any employee or official of
12 the State or a county who is authorized by law to enforce
13 criminal or traffic laws, including a police officer, sheriff,
14 deputy sheriff, or conservation and resources enforcement
15 officer, and any other person acting in a law enforcement
16 capacity for the State or a county."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 2050.



Report Title:

State Agencies; Law Enforcement; Federal Immigration Agents; Assistance; Prohibition; First Amendment; Immigration Enforcement

Description:

Prohibits law enforcement officers from using any personnel or funds originating in the State to assist or facilitate conduct by federal immigration agents that is for the purposes of civil immigration enforcement or exceeds their law enforcement duty or authority. Prohibits law enforcement officers from assisting or cooperating with or allowing resources to be used to facilitate federal immigration agents engaged in operations with the purpose of civil immigration enforcement or that target individuals or entities for activities protected by the First Amendment of the United States Constitution or immigration enforcement operations. Effective 7/1/2050. (SD2)

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