

JAN 21 2026

---

# A BILL FOR AN ACT

---

RELATING TO LAW ENFORCEMENT.

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

1       SECTION 1. The legislature finds that recently, federal  
2 law enforcement agents across the country have been documented  
3 using masks to completely hide their faces while carrying out  
4 deportation and other law enforcement activities. The  
5 legislature believes that the public identification of law  
6 enforcement officers is a constitutional and democratic  
7 necessity and essential to oversight, redress, and to prevent  
8 the abuse of power. Anonymous policing undermines core rights  
9 protected by the Hawaii State Constitution including due  
10 process, equal protection, and freedom from unreasonable  
11 searches and seizures. The State's multicultural population,  
12 including long-standing immigrant communities and residents from  
13 nations with histories of political repression, rely on  
14 transparent and accountable law enforcement to feel safe,  
15 secure, and protected. The rise in aggressive federal  
16 immigration enforcement actions conducted by agents concealing  
17 their status as legitimate law enforcement officers, often



1 against persons with no criminal history, raises profound  
2 ethical, moral, and constitutional concerns.

3 The legislature further finds that the Hawaii State  
4 Constitution affords the State broad authority to protect the  
5 privacy, liberty, and safety of its residents, including  
6 immigrant residents, so long as these protections do not  
7 directly conflict with federal law. The intent of this Act is  
8 not to obstruct legitimate federal law enforcement activity, but  
9 rather to ensure that all officers at the federal, state, or  
10 county level operating within the State identify themselves in a  
11 manner consistent with fundamental constitutional norms and  
12 ensure that state and county law enforcement agencies do not  
13 facilitate unconstitutional or unethical enforcement actions  
14 against the State's residents.

15 Accordingly, the purpose of this Act is to:

- 16 (1) By January 1, 2027, require all law enforcement  
17 agencies in the State to maintain a policy on the  
18 visible identification of law enforcement officers;
- 19 (2) Require law enforcement agencies to maintain  
20 confidential, accurate records documenting each



officer's adherence to the agency's visible  
identification policy;

(3) Prohibit state and county law enforcement agencies  
from assisting any law enforcement operation conducted  
by a federal law enforcement agency that fails or  
refuses to maintain a policy on the visible  
identification of law enforcement officers that meets  
the standards of state law; and

(4) By January 1, 2027, require state and county law  
enforcement agencies to maintain a policy on the  
minimum requirements to cooperate with a federal law  
enforcement agency enforcing federal immigration laws  
in the State.

SECTION 2. Chapter 139, Hawaii Revised Statutes, is  
amended by adding three new sections to be appropriately  
designated and to read as follows:

**"§139-A Law enforcement policies; visible identification  
and records.** (a) By January 1, 2027, any law enforcement  
agency operating in the State shall establish and maintain a  
policy on the visible identification of law enforcement



1 officers. The policy shall include, at a minimum, the  
2 following:

3 (1) A requirement that all law enforcement officers:

4 (A) Display visible identification during any  
5 official duty involving interactions with  
6 civilians, including patrol, crowd management,  
7 investigative activity, or execution of warrants;  
8 and

9 (B) Upon request, verbally provide identification  
10 including the officer's name, rank, and employing  
11 law enforcement agency;

12 (2) A prohibition against law enforcement officers' use of  
13 masks or personal disguises while interacting with the  
14 public in the performance of the officers' duties; and

15 (3) Penalties for officers who violate the agency's policy  
16 on the visible identification of law enforcement  
17 officers that includes policies on discipline,  
18 suspension, and termination of employment.

19 (b) By January 1, 2027, each law enforcement agency shall  
20 maintain accurate records documenting each officer's adherence  
21 to the visible identification policy established pursuant to



1 subsection (a). Records maintained pursuant to this subsection  
2 shall remain confidential and may only be accessible for legal,  
3 judicial, or oversight purposes; provided that each agency shall  
4 make the records available upon request to the attorney general,  
5 county police commissions created pursuant to section 52D-1, and  
6 any court of competent jurisdiction in the State.

7 (c) For the purposes of this section:

8 "Law enforcement officer" includes any individual  
9 authorized by the federal government to detain, arrest, execute  
10 warrants, conduct investigations, or otherwise exercise police  
11 powers in the State.

12 "Mask or personal disguise" means any face covering that  
13 obscures the identity of an officer. "Mask or personal  
14 disguise" does not include standard personal protective  
15 equipment for health reasons and any equipment expressly  
16 authorized for officer safety in an ongoing, contemporaneous,  
17 and documented tactical operation.

18 "Visible identification" means a clearly legible badge  
19 number or identification number displayed on the outermost  
20 garment and a visible agency name or insignia.



§139-B Law enforcement policies; visible identification  
and records; applicability to federal law enforcement agencies.

(a) Any federal law enforcement agency employing a law enforcement officer in the State shall comply with the law enforcement identification policy requirements of section 139-A.

(b) State and county law enforcement agencies, departments, and officers shall not assist, authorize, participate in, or facilitate any law enforcement operation conducted by a federal law enforcement agency that fails or refuses to comply with the law enforcement identification policy requirements of section 139-A.

(c) This section shall not be construed to prohibit or interfere with lawful federal law enforcement activity conducted pursuant to valid federal authority; provided that the State shall retain the authority, consistent with its police powers and article I of the Hawaii State Constitution, to regulate the manner in which law enforcement activities are conducted within its territorial jurisdiction, including the requirement that all officers identify themselves openly and visibly.



1        (d) For the purposes of this section, "federal law  
2 enforcement agency" means any federal agency authorized to  
3 exercise law enforcement or police powers in the State.

4        **§139-C Law enforcement policies; cooperation with federal**  
5 **immigration enforcement; judicial warrant requirement.** (a) By  
6 January 1, 2027, any law enforcement agency operating in the  
7 State shall maintain a policy on the minimum requirements to  
8 cooperate with a federal law enforcement agency enforcing  
9 federal immigration laws in the State. The policy shall  
10 include, at a minimum, the following:

11        (1) A prohibition against honoring, executing, enforcing,  
12 or complying with any federal immigration detainer,  
13 administrative warrant, or information request unless  
14 the detainer, administrative warrant, or information  
15 request is:

16        (A) Accompanied by a judicial warrant issued by a  
17 federal district court; and

18        (B) Supported by a written assurance that the  
19 individual is sought for conduct constituting a  
20 criminal offense under federal or state law; and



1        (2) A prohibition against participating in federal  
2                immigration enforcement operations that target an  
3                individual solely based on the individual's  
4                immigration status and absent any criminal conduct.

5        (b) This section shall not prevent:

6                (1) The lawful execution of judicial criminal warrants;

7                (2) Compliance with valid federal subpoenas; or

8                (3) Cooperation necessary to address threats to national

9                security, armed terrorism, or violent criminal

10               offenses."

11        SECTION 3. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17        SECTION 4. In codifying the new sections added by section  
18 2 of this Act, the revisor of statutes shall substitute  
19 appropriate section numbers for the letters used in designating  
20 the new sections in this Act.

21        SECTION 5. New statutory material is underscored.





# S.B. NO. 2179

1 SECTION 6. This Act shall take effect upon its approval.

2

INTRODUCED BY: *Keith M. Rutherford*



# S.B. NO. 2179

**Report Title:**

Law Enforcement; Policies; Masks; Prohibition; Immigration;  
Judicial Warrants

**Description:**

By 1/1/2027, requires all law enforcement agencies in the State to maintain a policy on the visible identification of law enforcement officers. Requires law enforcement agencies to maintain confidential, accurate records documenting each officer's adherence to the agency's visible identification policy. Prohibits state and county law enforcement agencies from assisting any law enforcement operation conducted by a federal law enforcement agency that fails or refuses to maintain a policy on the visible identification of law enforcement officers that meets the standards of state law. By 1/1/2027, requires state and county law enforcement agencies to maintain a policy on the minimum requirements to cooperate with a federal law enforcement agency enforcing federal immigration laws in the State.

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

