

JAN 23 2026

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

PART I

SECTION 1. The legislature finds that the use of face coverings; absence of visible names, officer identification numbers, or other individually identifying information; failure to be clearly and conspicuously identifiable as law enforcement officers; and use of unmarked vehicles during law enforcement activities has raised concerns for public safety. When law enforcement officers fail to visibly display identification verifying that they have law enforcement authority, both individuals involved and onlookers may experience confusion and fear that they are experiencing or witnessing a crime. Additionally, the lack of consistent, visible personal and agency identification makes it difficult for other law enforcement to distinguish between authorized personnel and bad actors. Several news outlets have also reported incidents of individuals impersonating federal law enforcement officers to



1 harass or detain others, which undermines public trust in law
2 enforcement, especially among vulnerable individuals.

3 The legislature further finds that the State has both the
4 authority and responsibility, under its police powers, to
5 maintain order and protect the safety and well-being of all
6 people within its jurisdiction. In order to carry out this duty
7 effectively, the State has the authority to establish
8 identification requirements for law enforcement operating within
9 the State so that the public and the State's agents can
10 distinguish between individuals who are exercising law
11 enforcement authority and those who are not, particularly in
12 situations where a person is engaging in potentially unlawful
13 behavior. Therefore, the State has a compelling interest in
14 identifying and verifying who is and who is not validly claiming
15 or operating under law enforcement authority within the State.

16 Accordingly, the purpose of this part is to require each
17 department or agency employing a law enforcement officer to
18 maintain a publicly available policy on the visible
19 identification of law enforcement officers.



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

"§139- Law enforcement identification policies. (a) By January 1, 2027, any law enforcement agency operating in the State shall maintain a policy on the visible identification of law enforcement officers. The policy shall include, at a minimum, the following:

(1) A purpose statement affirming the department's or agency's commitment to:

(A) Transparency, accountability, and public trust;
and

(B) Restricting situations in which law enforcement officers do not visibly display identification to specific, clearly defined, and limited circumstances;

(2) A requirement that all law enforcement officers visibly display identification that includes their department or agency and either a name or badge number, or both a name and badge number, when performing enforcement duties; and



1 (3) A list of narrowly tailored exemptions for the
2 following:

3 (A) Law enforcement officers engaged in active
4 undercover operations or investigative
5 activities;

6 (B) Law enforcement officers engaged in plainclothes
7 operations;

8 (C) Law enforcement officers wearing personal
9 protective equipment that prevents display;

10 (D) Exigent circumstances involving an imminent
11 danger to persons or property, the escape of a
12 perpetrator, or the destruction of evidence,
13 including if the law enforcement officer is
14 responding to those circumstances while off-duty;
15 and

16 (E) When there is a specific, articulatable, and
17 particularized reason to believe identification
18 would pose a significant danger to the physical
19 safety of the law enforcement officer.



1 (b) Each law enforcement agency shall make its visible
2 identification of law enforcement officer policy adopted
3 pursuant to this section accessible to the public.

4 (c) For the purposes of this section:

5 "Enforcement duties" means:

6 (1) Active and planned operations involving the arrest or
7 detention of an individual; or

8 (2) Deployment for crowd control purposes.

9 "Law enforcement agency" includes a law enforcement agency
10 of another state.

11 "Law enforcement officer" includes any commissioned or
12 deputized volunteer enforcement officer or sworn officer of a
13 law enforcement agency of another state vested by law with a
14 duty to:

15 (1) Maintain public order; or

16 (2) Make arrests for offenses or to enforce the criminal
17 laws, whether that duty extends to all offenses or is
18 limited to a specific class of offenses.

19 "Visibly display identification" means to wear externally
20 on the uniform in a size and location that is reasonably visible



1 to a member of the public with whom the law enforcement officer
2 interacts."

3 PART II

4 SECTION 3. Section 92H-1, Hawaii Revised Statutes, is
5 amended as follows:

6 1. By adding a new definition to be appropriately inserted
7 and to read:

8 "Law enforcement officer" means any public servant,
9 whether employed by the State or subdivisions thereof or by the
10 United States, vested by law with a duty to maintain public
11 order, or to make arrests for offenses, or to enforce the
12 criminal laws, whether that duty extends to all offenses or is
13 limited to a specific class of offenses, and includes the
14 attorney general, deputy attorneys general, county prosecuting
15 attorneys, and deputy prosecuting attorneys engaged in the
16 enforcement of criminal laws."

17 2. By amending the definition of "covered public servant"
18 to read:

19 "Covered public servant" means:

20 (1) The governor;

21 (2) The lieutenant governor;



- 1 (3) The administrative director appointed pursuant to
2 section 26-3;
- 3 (4) Any head of a department established under section
4 26-4;
- 5 (5) Any member of the legislature;
- 6 (6) Any active, formerly active, or retired:
- 7 (A) Justice of the Hawaii supreme court;
- 8 (B) Judge of the Hawaii intermediate appellate court;
- 9 (C) Judge of a Hawaii circuit court or circuit family
10 court;
- 11 (D) Judge of a Hawaii district court or district
12 family court; or
- 13 (E) Per diem judge of a Hawaii district court or
14 district family court;
- 15 (7) Any active, formerly active, or retired:
- 16 (A) Justice of the United States Supreme Court;
- 17 (B) Judge of the United States Court of Appeals;
- 18 (C) Judge or magistrate judge of the United States
19 District Court; or
- 20 (D) Judge of the United States Bankruptcy Court,



who resides in the State, formerly resided in the State while serving as a federal judge, or owns real property in the State;

(8) The administrative director of the courts;

(9) The deputy administrative director of the courts;

(10) Any employee or volunteer of the office of elections;

~~[or]~~

(11) Any law enforcement officer; or

~~[+11+]~~ (12) Any person designated for good cause by the governor, president of the senate, speaker of the house of representatives, chief justice, chief judge of the United States District Court for the District of Hawaii, or chairperson of the office of Hawaiian affairs in the designator's respective body."

PART III

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

SECTION 5. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or



S.B. NO. 2772

1 applications of the Act that can be given effect without the
2 invalid provision or application, and to this end the provisions
3 of this Act are severable.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY: 



S.B. NO. 2172

Report Title:

Law Enforcement; Visible Identification; Policy; Public Records;
Protected Personal Information; Disclosure; Prohibition

Description:

By January 1, 2027, requires each law enforcement agency operating in the State to maintain a publicly available policy on the visible identification of law enforcement officers. Adds law enforcement officers to covered public servants who may request any government agency, person, or organization to not make publicly available on the Internet certain covered personal information.

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