

JAN 28 2026

A BILL FOR AN ACT

RELATING TO PROTECTED COMMUNITY LOCATIONS.

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

1 SECTION 1. The legislature finds that schools, health care
2 settings, libraries, shelters, places of worship, and other
3 community spaces must remain safe and accessible to all
4 residents. In January 2025, the United States Department of
5 Homeland Security rescinded prior guidance protecting
6 "sensitive" or "protected" areas, creating uncertainty and
7 chilling access to critical services.

8 The purpose of this Act is to establish statewide standards
9 for state and county agencies, officials, and employees, and
10 recipients of state funds, to limit participation in civil
11 immigration enforcement in or near protected community
12 locations, consistent with the State's police powers, civil
13 rights laws, and constitutional protections for education,
14 public health, and the free exercise of religion.

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



1

"CHAPTER

2 **PROTECTED COMMUNITY LOCATIONS AND CIVIL IMMIGRATION ENFORCEMENT**

3 **§ -1 Definitions.** As used in this chapter:

4 "Civil immigration enforcement" means actions to

5 investigate, apprehend, detain, or remove a person for alleged
6 violations of federal civil immigration law.

7 "Designated administrator or counsel" means the individual
8 or office formally identified as the point of contact authorized
9 to receive, review, and respond to inquiries, requests, or
10 documents related to civil immigration enforcement, including
11 verifying the validity and authority of judicial warrants and
12 coordinating the agency's obligations under this chapter.

13 "Immigration detainer" means a request from a federal
14 agency to a state agency to hold an individual for civil
15 immigration enforcement purposes in state custody.

16 "Judicial warrant" means a warrant issued by a federal or
17 state judge based on probable cause. "Judicial warrant" does
18 not include an administrative warrant issued by an executive
19 branch agency, or immigration detainer.

20 "Nonpublic area" means any area of a facility that is not
21 open to the general public.



1 "Protected community location" means any location that
2 provides state-funded services related to education, physical or
3 mental health, social services such as shelter care or food
4 assistance, or access to justice, including:

5 (1) Public schools, public charter schools, the department
6 of education's offices and buses, licensed child care
7 facilities, and public institutions of higher
8 education, including university of Hawaii campuses;
9 (2) Health care facilities and clinics, including public
10 hospitals, community health centers, emergency rooms,
11 and vaccination or testing sites;
12 (3) Libraries, shelters, food banks or food pantries, and
13 other state-funded social service locations; and
14 (4) Portions of places of worship that are used to provide
15 state-funded services.

16 "Protected perimeter" means the area within one thousand
17 feet of the real property boundary of a protected community
18 location, including adjacent parking areas, sidewalks, streets,
19 and other publicly accessible spaces.



1 "State actor" means any state or county agency, officer, or
2 employee, or any recipient of state funds, when providing state-
3 funded services.

4 § -2 No assistance with civil immigration enforcement in
5 **protected community locations.** (a) A state actor shall not use
6 personnel, facilities, property, equipment, or funds to assist
7 with civil immigration enforcement in a protected community
8 location or within the protected perimeter, except as authorized
9 in subsection (c).

10 (b) A state actor shall not:

11 (1) Provide access to nonpublic areas of a protected
12 community location for civil immigration enforcement
13 purposes;

14 (2) Collect, retain, or disclose personal or identifying
15 information, including schedules, enrollment
16 information, patient data, worship schedules, or
17 release alerts, for civil immigration enforcement
18 purposes; or

19 (3) Facilitate interviews or surveillance for civil
20 immigration enforcement purposes;



1 unless required by federal or state law or pursuant to a
2 judicial warrant.

3 (c) This section shall not prohibit:
4 (1) Responding to an imminent threat to life or safety;
5 (2) Executing a judicial warrant or court order; or
6 (3) Performing duties unrelated to civil immigration
7 enforcement, including fire code, building safety, or
8 public health inspections.

9 **§ -3 Law enforcement requests; judicial warrants;**
10 **reporting.** (a) A state actor working at a protected community
11 location shall refer any law enforcement request relating to
12 immigration to the designated administrator or counsel.

13 (b) Access to nonpublic areas shall be granted only upon
14 presentation of a judicial warrant, either the original or a
15 court-stamped copy, and confirmation by the designated
16 administrator or counsel that the warrant is valid and
17 authorizes the requested entry.

18 (c) Each state actor shall document all immigration-
19 related requests, including photographing or otherwise copying
20 any warrant or document presented, and promptly transmit the



1 record to the designated administrator or counsel and attorney
2 general.

3 **§ -4 Policies, training, and signage.** (a)
4 By , the department of education, state public charter
5 school commission, university of Hawaii, Hawaii health systems
6 corporation, Hawaii state public library system, and Hawaii
7 emergency management agency shall adopt and post written
8 policies that:

9 (1) Identify nonpublic areas;
10 (2) Establish procedures for warrant verification and
11 staff response;
12 (3) Prohibit the collection or disclosure of immigration-
13 status data unless required by law;
14 (4) Require annual staff training; and
15 (5) Require multilingual notices stating that services are
16 provided regardless of immigration status and
17 outlining warrant requirements.

18 (b) The attorney general shall publish model policies for
19 adoption by county facilities and voluntary adoption by private
20 education or health providers and private places of worship.



1 **§ -5 Data privacy and records.** (a) State actors shall
2 not inquire into, collect, or maintain information regarding a
3 person's immigration or citizenship status, except as required
4 by law or as necessary to provide the requested service.

5 (b) A state actor may disclose personal information to
6 federal immigration authorities only pursuant to a judicial
7 warrant, subpoena, or court order that specifically requires
8 disclosure.

9 **§ -6 Enforcement; civil penalty; private right of**
10 **action; retaliation prohibited.** (a) The attorney general shall
11 receive complaints, investigate alleged violations, and issue
12 findings and corrective orders.

13 (b) Any state actor who wilfully or repeatedly violates
14 this chapter may be assessed a civil penalty of up to \$2,500 for
15 each violation; provided that the state actor is given notice
16 and an opportunity to cure the violation. The department of the
17 attorney general may adopt rules pursuant to chapter 91 to
18 increase the fines under this section for egregious breaches
19 involving the disclosure of protected records.

20 (c) An aggrieved person may seek injunctive or declaratory
21 relief and reasonable attorney's fees.



1 (d) Retaliation against complainants, witnesses, or state
2 actors who refuse to provide unlawful assistance shall be
3 prohibited.

4 **§ -7 Construction; federal law.** (a) Nothing in this
5 chapter shall obstruct federal officers acting within their
6 lawful authority. This chapter shall be construed to regulate
7 only the conduct of state actors and individuals providing
8 state-funded services.

9 (b) The rescission of federal immigration enforcement
10 policies regarding protected areas shall not diminish the
11 safeguards established in this chapter."

12 SECTION 3. Chapter 127A, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§127A- Protected community locations; compliance. The
16 agency shall comply with chapter , relating to protected
17 community locations and civil immigration enforcement, including
18 adopting and posting written policies, providing annual staff
19 training, and maintaining data privacy protections."



1 SECTION 4. Chapter 302A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 **"§302A- Protected community locations; compliance.** The
5 department shall comply with chapter , relating to protected
6 community locations and civil immigration enforcement, including
7 adopting and posting written policies, providing annual staff
8 training, and maintaining data privacy protections."

9 SECTION 5. Chapter 302D, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 **"§302D- Protected community locations; compliance.** The
13 commission shall comply with chapter , relating to protected
14 community locations and civil immigration enforcement, including
15 adopting and posting written policies, providing annual staff
16 training, and maintaining data privacy protections."

17 SECTION 6. Chapter 304A, Hawaii Revised Statutes, is
18 amended by adding a new section to be appropriately designated
19 and to read as follows:

20 **"§304A- Protected community locations; compliance.** The
21 university of Hawaii shall comply with chapter , relating to



1 protected community locations and civil immigration enforcement,
2 including adopting and posting written policies, providing
3 annual staff training, and maintaining data privacy
4 protections."

5 SECTION 7. Chapter 312, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§312- Protected community locations; compliance. The
9 Hawaii state public library system shall comply with
10 chapter , relating to protected community locations and civil
11 immigration enforcement, including adopting and posting written
12 policies, providing annual staff training, and maintaining data
13 privacy protections."

14 SECTION 8. Chapter 323F, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§323F- Protected community locations; compliance. The
18 corporation shall comply with chapter , relating to protected
19 community locations and civil immigration enforcement, including
20 adopting and posting written policies, providing annual staff
21 training, and maintaining data privacy protections."



1 SECTION 9. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2026-2027 for
4 the department of the attorney general to implement this Act,
5 including by providing model policies, training materials, and a
6 reporting portal.

7 The sum appropriated shall be expended by the department of
8 the attorney general for the purposes of this Act.

9 SECTION 10. This Act shall take effect on July 1, 2026;
10 provided that sections -4 and -5, Hawaii Revised Statutes,
11 shall take effect on January 1, 2027.

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INTRODUCED BY: Rachel Farsa



S.B. NO. 3237

Report Title:

AG; DOE; SPCSC; UH; HHSC; HSPLS; HIEMA; Civil Immigration Enforcement; Protected Community Locations

Description:

Establishes statewide standards for state and county agencies, officers, and employees, and recipients of state funds, to limit participation in civil immigration enforcement in or near protected community locations that provide state-funded services related to education, physical or mental health, social services such as shelter care or food assistance, or access to justice, including schools, health care facilities, libraries, shelters, and places of worship. Requires the Department of Education, State Public Charter School Commission, University of Hawaii, Hawaii Health Systems Corporation, Hawaii State Public Library System, and Hawaii Emergency Management Agency to adopt and post written policies, provide annual staff training, and maintain data privacy protections. Appropriates funds for implementation by the Attorney General.

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

