

JAN 28 2026

A BILL FOR AN ACT

RELATING TO GOVERNMENT ACTIONS.

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

SECTION 1. The legislature finds that the residents of Hawaii depend on public schools, health care facilities, courts, and other government services. In 2024, Hawaii's population was estimated at 1,446,146, with 18.1 per cent being foreign-born and 25.1 per cent aged five and older speaking a language other than English at home. During the 2024-2025 school year, 165,340 students were enrolled in department of education public schools and public charter schools, highlighting the importance of accessible institutions for all families.

The legislature further finds that certain civil immigration enforcement practices, such as unidentifiable personnel, unclear authority, and lack of transparency, undermine public trust and deter access to essential services. With 20.3 per cent of residents in the State under the age of eighteen, protecting families' ability to safely attend school, seek care, access justice, and obtain protection is a core governmental responsibility.



1 Accordingly, this Act strengthens due process and community
2 trust by requiring visible identification for law enforcement,
3 limiting face concealment, ensuring documented legal authority,
4 establishing service-first standards in sensitive locations, and
5 enhancing privacy and oversight of immigration-related data
6 sharing.

7 SECTION 2. The Hawaii Revised Statutes is amended by
8 adding a new chapter to be appropriately designated and to read
9 as follows:

10 **"CHAPTER**

11 **LAW ENFORCEMENT IDENTIFIABILITY**

12 § -1 **Definitions.** (a) As used in this chapter:

13 "Body camera" means a video camera that is worn on an
14 individual's body and used to continuously record activity in
15 front of the wearer.

16 "County" includes the city and county of Honolulu, county
17 of Hawaii, county of Kauai, and county of Maui.

18 "Facial covering" means any opaque mask, garment, helmet,
19 headgear, or other item that conceals or obscures the facial
20 identity of an individual, including a balaclava, tactical mask,



1 gaiter, ski mask, and any similar type of facial covering or
2 face-shielding item.

3 "Facial covering" shall not include:

4 (1) A translucent face shield or clear mask that does not
5 conceal the wearer's facial identity and is used in
6 compliance with applicable law;

7 (2) A N95 medical mask or surgical mask to protect against
8 transmission of disease or infection, or any other
9 mask, helmet, or device, including air-purifying
10 respirators, full or half masks, or self-contained
11 breathing apparatus necessary to protect against
12 exposure to any toxin, gas, smoke, inclement weather,
13 or any other hazardous or harmful environmental
14 condition;

15 (3) A mask, helmet, or device, including a self-contained
16 breathing apparatus, necessary for underwater use;

17 (4) A motorcycle helmet when worn by a law enforcement
18 officer using a motorcycle or other vehicle that
19 requires a helmet for safe operations while in the
20 performance of the officer's duties; and



(5) Eyewear necessary to protect from the use of retinal weapons, including lasers.

"Law enforcement agency" includes any law enforcement agency of the State, a county, another state of the United States, or the federal government.

"Law enforcement officer" includes any law enforcement officer of the State, a county, another state of the United States, or the federal government.

"Visibly identifiable" means for a law enforcement officer to have the officer's face unobscured and the officer's name or badge or other unique identifier displayed in a visible manner.

§ -2 Law enforcement officer; visibly identifiable. (a)

Any law enforcement officer acting under color of law in a public space or on state or county property shall remain visibly identifiable at all times.

(b) The exceptions to the requirements of subsection (a) shall be limited to:

(1) Bona fide, active undercover operations or assignments authorized by supervising personnel or court order; or

(2) Masking for medical or health reasons that is properly documented.



1 § -3 **Law enforcement officers; facial coverings;**
2 **prohibited.** No law enforcement officer shall wear a facial
3 covering that conceals or obscures the officer's face in the
4 performance of the officer's duties, except as expressly
5 authorized in this chapter.

6 § -4 **Law enforcement apparel and vehicles; markings.**

7 (a) During the performance of their duties, law enforcement
8 officers shall:

9 (1) Wear apparel; and

10 (2) Use vehicles,
11 that bear conspicuous markings of the applicable law enforcement
12 agency.

13 (b) The exceptions to the requirements of subsection (a)
14 shall be limited to bona fide, active undercover operations
15 authorized by court order.

16 § -5 **Civil law enforcement activity; state or county**
17 **participation; state or county property.** All civil law
18 enforcement activity that:

19 (1) Involves participation by law enforcement officers of
20 the State or a county; or

21 (2) Occurs on state or county property,



1 shall be conducted in a manner that proceeds on documented,
2 reviewable legal authority and protects due process and judicial
3 oversight.

4 § -6 **Penalties; remedies.** (a) Any wilful and knowing
5 violation of sections -1 through -4 by a law enforcement
6 officer shall be punishable as a misdemeanor.

7 (b) Notwithstanding any other law, any law enforcement
8 officer who is found to have committed an assault, battery,
9 false imprisonment, false arrest, abuse of process, or malicious
10 prosecution against another individual, while wearing a facial
11 covering in a wilful and knowing violation of this chapter,
12 shall not be entitled to assert any privilege or immunity for
13 the officer's tortious conduct against a claim of civil
14 liability, and shall be liable to that other individual for:

15 (1) Actual damages; or

16 (2) Statutory damages of not less than ten thousand
17 dollars,

18 whichever is greater.

19 § -7 **Rules.** The department of law enforcement and
20 police department of each county shall adopt rules pursuant to
21 chapter 91 to implement this chapter."



1 SECTION 3. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **CIVIL IMMIGRATION ACTIONS; POLICIES AND PROCEDURES; ENFORCEMENT**

6 **ACTIVITY; DATA**

7 § -1 **Service-first spaces.** All judicial facilities;
8 educational institutions, including schools and early-learning
9 facilities; medical and health facilities; and homeless shelters
10 shall be deemed service-first spaces and shall have clear,
11 narrowly tailored procedures with respect to civil immigration
12 actions.

13 § -2 **State and county agencies; immigration-related**
14 **personal data; interagency data exchanges; reporting.** (a) All
15 state and county agencies shall adopt policies that limit the
16 collection, retention, and sharing of immigration-related
17 personal data, unless otherwise required by law.

18 (b) All interagency data exchanges between state agencies,
19 county agencies, or state and county agencies shall operate
20 under auditable agreements.



(c) At least once per year, all state and county agencies shall report to the legislature and governor regarding the number of civil-immigration-related requests for assistance or inquiries that they have received from law enforcement agencies, including federal agencies, during the previous calendar year.

§ -3 State and county agencies; immigration-based harassment or threats; policies. No later than , every state and county agency shall adopt a policy that prohibits immigration-based harassment or threats, including unwarranted verification of an individual's immigration status or history, with respect to employment or the provision of services to the public.

§ -4 State and county law enforcement officers; body cameras; United States Immigration and Customs Enforcement activity; violation; rules. (a) Upon being notified of any immigration enforcement activity by United States Immigration and Customs Enforcement agents, state and county law enforcement officers shall monitor such activity by activating their body cameras when present in a situation in which United States Immigration and Customs Enforcement agents are interacting with a member of the general public.



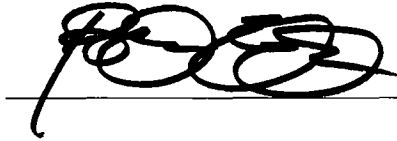
(b) Any wilful and knowing violation of this section by a law enforcement officer shall be punishable as a misdemeanor.

(c) The department of law enforcement and police department of each county shall adopt rules pursuant to chapter 91 to implement this section."

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. This Act shall take effect upon its approval.

INTRODUCED BY: _____

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S.B. NO. 3265

Report Title:

Law Enforcement; Identifiability; Reviewability; Immigration Actions; Policies; Enforcement Activity; Data

Description:

Requires any law enforcement officer acting under color of law in a public space or on state or county property to remain visibly identifiable. Prohibits law enforcement officers from wearing facial coverings while performing their duties, with certain exceptions. Requires law enforcement officers to wear apparel and use vehicles that bear conspicuous markings of the applicable law enforcement agency. Requires all civil law enforcement activity that involves participation by state or county law enforcement officers or occurs on state or county property to be conducted in a manner that adheres to specified standards. Deems certain locations to be service-first spaces and requires them to have clear, narrowly tailored procedures with respect to civil immigration actions. Requires all state and county agencies to adopt policies that limit the collection, retention, and sharing of immigration-related personal data. Requires all interagency data exchanges between state agencies, county agencies, or state and county agencies to operate under auditable agreements. Requires all state and county agencies to report annually to the Legislature and Governor regarding the civil-immigration-related requests. Requires every state and county agency to adopt a policy that prohibits immigration-based harassment or threats, including unwarranted verification of an individual's immigration status, with respect to employment or the provision of services to the public. Requires all state and county law enforcement officers to monitor civil immigration enforcement activity by activating body cameras when present in a situation in which United States Immigration and Customs Enforcement agents are interacting with a member of the general public.

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

