

JAN 30 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 law enforcement
2 officers' use of masks and other methods to obscure individual
3 officer identity can lead to fear, intimidation, and public
4 distrust. To prevent these negative views of law enforcement,
5 other jurisdictions have adopted standards to ensure that law
6 enforcement personnel and their vehicles are clearly
7 identifiable.

8 The legislature further finds that, according to the
9 American Immigration Council, Hawaii is home to approximately
10 two hundred fifty-eight thousand immigrants, comprising eighteen
11 per cent of the State's population. About thirty thousand of
12 these foreign-born individuals are believed to be undocumented.
13 The legislature recognizes that the State is justifiably proud
14 of its rich immigrant heritage, which has woven many residents
15 into a valued tapestry of races, ancestral groups, religions,
16 cultures, and languages from people throughout the world.
17 Accordingly, it is necessary to establish clear policies and



1 limits on federal immigration enforcement occurring within the
2 State. This includes upholding due process and judicial
3 oversight standards; restricting immigration enforcement
4 activity from occurring in sensitive places such as schools,
5 places of worship, and health care facilities; and requiring
6 reporting on enforcement activity and the use of personal data.

7 Accordingly, the purpose of this Act is to:

8 (1) Prohibit, with certain exceptions, the use of facial
9 coverings; require the visible identification of law
10 enforcement officers and their vehicles in the
11 performance of their duties; and require state and
12 county law enforcement agencies to adopt related
13 policies;

14 (2) Establish a policy on civil immigration enforcement and
15 status inquiries under the department of law
16 enforcement; require state and county law enforcement
17 agencies to establish their own policies; and require
18 the department to assist with compliance; and

19 (3) Establishes criminal offenses for:

20 (A) Improper facial coverings and lack of visible
21 identification for law enforcement officers; and



(B) Unauthorized civil immigration interrogation,
arrest, or detention.

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 Facial coverings; visible identification; marking
of vehicles; written policy.** (a) By July 1, 2027, each law
enforcement agency operating in the State shall establish and
publicly post on the agency's website a written policy regarding
the use of facial coverings, visibility of badges, and the
conspicuous marking of law enforcement vehicles.

(b) The policy shall include:

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

(A) Transparency, accountability, and public trust;

(B) Restricting the use of facial coverings to
specific, clearly defined, and limited
circumstances; and

(C) The principle that generalized and
undifferentiated fear and apprehension about law
enforcement officer safety shall not be sufficient



1 to justify the use of facial coverings or the
2 concealment of badges;

3 (2) A requirement that:

4 (A) No law enforcement officer shall wear a facial
5 covering that conceals or obscures the law
6 enforcement officer's facial identity while the
7 officer is performing official duties;

8 (B) Each law enforcement officer, at all times while
9 on duty, shall wear identification displayed in a
10 manner that is clearly visible and readable
11 during direct engagement with the public;
12 displayed on the outmost garment or gear; not
13 obscured by tactical equipment, body armor, or
14 accessories; and that shall include:

15 (i) The full name or widely recognized initials
16 of the officer's employing agency; and

17 (ii) The officer's last name or unique badge or
18 identification number; and

19 (C) Each vehicle used in law enforcement operations
20 shall bear conspicuous markings identifying the



1 law enforcement agency to which the vehicle
2 belongs;

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

5 (A) Active undercover operations or assignments
6 authorized by supervising personnel or court
7 order;

8 (B) Tactical operations where protective gear is
9 required for physical safety;

10 (C) Applicable law governing occupational health and
11 safety;

12 (D) Protection of identity during prosecution;

13 (E) Applicable law governing reasonable
14 accommodations; and

15 (F) Plainclothes officers, as designated by the
16 officer's agency; provided that no plainclothes
17 officer shall wear a facial covering that conceals
18 or obscures the plainclothes officer's facial
19 identity while the officer performs official
20 duties;



S.B. NO. 3322

1 (4) Notice that opaque facial coverings shall only be used
2 when no other reasonable alternative exists, and the
3 necessity is documented; provided that the
4 identification required under this policy is still
5 visible;

6 (5) Notice that, pursuant to the policy, a supervisor
7 shall not knowingly allow a law enforcement officer
8 under their supervision to violate state law or agency
9 policy regarding the use of a facial covering or
10 display of identification on the officer or vehicle;
11 and

12 (6) Appropriate penalties.

13 (c) A policy adopted pursuant to this section shall be
14 deemed consistent with section 710-A unless a written complaint
15 challenging its legality is submitted to the head of the agency
16 by a member of the public, an oversight body, or a local
17 governing authority, at which time the agency shall be afforded
18 ninety days to correct any deficiencies in the policy. If, after
19 ninety days, the agency has failed to adequately address the
20 complaint, the complaining party may proceed to a court of
21 competent jurisdiction for a judicial determination of whether an



1 exemption applies pursuant to section 710-A(2). The agency's
2 policy and its employees' exemptions shall remain in effect
3 unless a court rules that the agency's policy is not in
4 compliance with section 710-A and all potential appeals to higher
5 courts have been exhausted by the agency.

6 (d) For the purposes of this section:

7 "Facial covering" shall have the same meaning as in
8 section 710-A.

9 "Law enforcement agency" includes any federal agency that
10 employs law enforcement officers or other sworn personnel.

11 "Law enforcement officer" means any officer of a local,
12 state, or federal law enforcement agency, or any person acting on
13 behalf of a local, state, or federal law enforcement agency.

14 **§139-B Civil immigration enforcement; written policy.** (a)
15 By July 1, 2027, each law enforcement agency operating in the
16 State shall establish and publicly post on its website a written
17 policy regarding civil immigration enforcement in the State.

18 (b) The policy shall provide that:

19 (1) Civil immigration enforcement activity involving state
20 or county participation or facilities shall proceed
21 only on the basis of documented, reviewable legal



1 authority that prioritizes due process and judicial
2 oversight;

3 (2) Civil immigration enforcement activity involving state
4 or county participation shall not be conducted at
5 schools or early-learning sites, health facilities,
6 emergency or domestic violence shelters, courthouses,
7 or places of worship, except in compliance with
8 narrowly tailored procedures for unavoidable civil
9 immigration actions;

10 (3) State and county agencies shall adopt clear limits on
11 the collection, retention, and sharing of
12 immigration-related personal data except as required
13 by law, and any interagency data exchanges shall
14 operate under auditable agreements;

15 (4) Each state or county agency shall periodically report
16 and make publicly available aggregate data on civil
17 immigration requests to or from the agency;

18 (5) Immigration-based threats or verification abuse shall
19 be treated as prohibited retaliation in workplaces and
20 public services pursuant to state and federal law; and



1 (6) When notified of United States Immigration and Customs
2 Enforcement activity, each state and county law
3 enforcement agency shall require nearby personnel to
4 use body cameras to monitor the United States
5 Immigration and Customs Enforcement agents'
6 interactions with the public.

7 (c) For the purposes of this section:

8 "Law enforcement agency" shall have the same meaning as in
9 section 139-A(d).

10 "Law enforcement officer" shall have the same meaning as in
11 section 139-A(d).

12 **§139-C Civil immigration status inquiries; documentation;**
13 **limitations.** (a) Each law enforcement agency operating in the
14 State shall include in its written policy required under
15 section 139-B procedures governing a law enforcement officer's
16 authority to make any inquiry into a person's civil immigration
17 status, including the authority to ask a person about
18 citizenship, immigration status, place of birth, or request
19 documentation for purposes of determining civil immigration
20 status.



1 (b) No law enforcement officer shall initiate or prolong a
2 stop, detention, or arrest of a person for the purpose of
3 determining the person's civil immigration status unless the
4 officer has reasonable suspicion, based on specific and
5 articulable facts, that the person is unlawfully present in the
6 United States and the inquiry is otherwise authorized by state
7 law and the agency's written policy.

8 (c) Reasonable suspicion under subsection (b) shall not be
9 based solely on race, color, ethnicity, national origin,
10 ancestry, language, accent, religion, manner of dress, presence
11 in a particular location, or the exercise of rights protected by
12 the United States Constitution or the Constitution of the State
13 of Hawaii.

14 (d) For the purposes of this section:

15 "Law enforcement agency" shall have the same meaning as in
16 section 139-A(d).

17 "Law enforcement officer" shall have the same meaning as in
18 section 139-A(d)."

19 SECTION 3. Chapter 353C, Hawaii Revised Statutes, is
20 amended by adding two new sections to be appropriately designated
21 and to read as follows:



1 "§353C- Civil immigration enforcement policy. (a) It
2 is the policy of the department that civil immigration
3 enforcement activity involving state or county participation or
4 facilities shall proceed only on the basis of documented,
5 reviewable legal authority that prioritizes due process and
6 judicial oversight.

7 (b) Civil immigration enforcement activity involving state
8 or county participation shall not be conducted at schools,
9 early-learning sites, health care facilities, emergency or
10 domestic violence shelters, courthouses, or places of worship.

11 (c) No employee or agent acting on behalf of these
12 facilities shall provide voluntary consent permitting a law
13 enforcement agent to enter a nonpublic area of the facility for
14 the purpose, or in furtherance, of an operation executed in
15 whole or part by federal authorities or out-of-state authorities
16 that seeks to:

17 (1) Identify or impose civil or criminal liability upon a
18 person or entity based on their participation in
19 activities protected by the First Amendment of the
20 United States Constitution or state constitution; or



1 (2) To identify, arrest or otherwise impose a penalty upon
2 a person for purposes of federal immigration
3 enforcement, including an immigration enforcement
4 operation.

5 (d) This policy shall not prevent compliance with a valid
6 judicial warrant authorizing entry or entry under exigent
7 circumstances.

8 (e) The department shall assist state and county agencies
9 in maintaining compliance with the civil immigration enforcement
10 policy in this section."

11 SECTION 4. Chapter 710, Hawaii Revised Statutes, is amended
12 by adding two new sections to part II to be appropriately
13 designated and to read as follows:

14 "**§710-A Facial coverings and visible identification for law**
15 **enforcement officers.** (1) Except as expressly authorized in

16 this section:

17 (a) No law enforcement officer shall wear a facial
18 covering that conceals or obscures the law enforcement
19 officer's facial identity while the officer is
20 performing official duties; and



1 (b) Each law enforcement officer, at all times while on
2 duty, shall wear identification displayed in a manner
3 that is clearly visible and readable during direct
4 engagement with the public; displayed on the outmost
5 garment or gear; not obscured by tactical equipment,
6 body armor, or accessories; and that shall include:

7 (i) The full name or widely recognized initials of
8 the officer's employing agency; and

9 (ii) The officer's last name or unique badge or
10 identification number.

11 (2) This section shall not apply to an officer:

12 (a) Subject to one or more of the exemptions set forth in
13 section 139-A(b) (3);

14 (b) Assigned to a special weapons and tactics team unit
15 while actively performing special weapons and tactics
16 responsibilities; or

17 (c) Acting in the officer's capacity as an employee of an
18 agency that maintains and publicly posts on its
19 website, no later than July 1, 2027, a written policy
20 pursuant to section 139-A.



1 (3) Violation of this section shall be a petty misdemeanor
2 for the first offense and a misdemeanor for the second or
3 subsequent offense.

4 (4) Notwithstanding any other law to the contrary, a person
5 who is found to have committed an assault, battery, false
6 imprisonment, false arrest, abuse of process, or malicious
7 prosecution, while wearing a facial covering or failing to comply
8 with visible badge requirements in violation of this section
9 shall not be entitled to assert any privilege or immunity for the
10 tortious conduct against a claim of civil liability, and shall be
11 liable for the greater of actual damages or statutory damages of
12 not less than \$10,000, whichever is greater.

13 (5) For the purposes of this section:

14 "Facial covering" means any opaque mask, garment, helmet,
15 headgear, or other item that conceals or obscures the facial
16 identity of an individual, including a balaclava, tactical mask,
17 gaiter, ski mask, and any similar type of facial covering or
18 face-shielding item. A "facial covering" shall not include:

19 (a) A translucent face shield or clear mask that does not
20 conceal the wearer's facial identity and is used in



1 compliance with the employing agency's policy and
2 procedures pursuant to section 139-A;

3 (b) An N95 medical mask or surgical mask to protect against
4 transmission of disease or infection or any other mask,
5 helmet; or a device, including an air-purifying
6 respirator, full or half mask, or self-contained
7 breathing apparatus necessary to protect against
8 exposure to any toxin, gas, smoke, inclement weather,
9 or any other hazardous or harmful environmental
10 condition;

11 (c) A mask, helmet, or device, including a self-contained
12 breathing apparatus, necessary for underwater use;

13 (d) A motorcycle helmet when worn by an officer while in
14 the performance of their duties and utilizing a
15 motorcycle or other vehicle that requires a helmet for
16 safe operations; or

17 (e) Eyewear necessary to protect from the use of retinal
18 weapons, including lasers;

19 provided that the identification required under this section is
20 still visible.



1 "Law enforcement agency" means any county police department,
2 the department of law enforcement, the department of the
3 attorney general, the division of conservation and resources
4 enforcement of the department of land and natural resources, and
5 any federal, state, or county public body that employs law
6 enforcement officers or other sworn personnel.

7 "Law enforcement officer" means any officer of a local,
8 state, or federal law enforcement agency, or any person acting
9 on behalf of a local, state, or federal law enforcement agency.

10 **§710-B Unauthorized civil immigration interrogation,**
11 **arrest, or detention.** (1) A person commits the offense of
12 unauthorized civil immigration interrogation, arrest, or
13 detention if the person is a law enforcement officer, acting
14 under color of law, who intentionally or knowingly acts beyond
15 the scope of the officer's lawful authority by interrogating,
16 arresting, or detaining another person for the purpose of
17 determining or enforcing the person's civil immigration status
18 when the officer lacks reasonable suspicion, based on specific
19 and articulable facts, that the person is unlawfully present in
20 the United States.



1 (2) It shall be an affirmative defense that the officer's
2 conduct consisted solely of:

3 (a) A stop, detention, or arrest supported by reasonable
4 suspicion or probable cause for a violation of state
5 law or county ordinance, including detention incident
6 to a lawful arrest, provided that the officer did not
7 initiate or prolong the stop, detention, or arrest for
8 the purpose described in subsection (1); or

9 (b) Compliance with a valid judicial warrant or court
10 order.

11 (3) Unauthorized civil immigration interrogation, arrest,
12 or detention is a class C felony.

13 (4) For purposes of this section:

14 "Civil immigration status" means a person's status under
15 federal immigration law that is civil in nature and not, by
16 itself, a criminal offense under state law.

17 "Interrogate" means to question a person in a manner
18 reasonably intended to elicit information regarding the person's
19 citizenship or civil immigration status, including requesting
20 immigration documentation, for the purpose of determining or
21 enforcing civil immigration status.



1 "Reasonable suspicion" shall not be based solely on race,
2 color, ethnicity, national origin, ancestry, language, accent,
3 religion, manner of dress, presence in a particular location, or
4 the exercise of rights protected by the United States
5 Constitution or the Constitution of the State of Hawaii."

6 SECTION 5. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 6. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 7. In codifying the new sections added by
16 sections 2 and 4 of this Act, the revisor of statutes shall
17 substitute appropriate section numbers for the letters used in
18 designating the new sections in this Act.

19 SECTION 8. New statutory material is underscored.

1 SECTION 9. This Act shall take effect upon its approval.

2

INTRODUCED BY: Karl Rhoads



S.B. NO. 3322

Report Title:

Law Enforcement Officers; Law Enforcement Agencies; Facial Coverings; Visible Identification; Civil Immigration Enforcement

Description:

Prohibits with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties. Requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement. Prohibits law enforcement officers from prolonging a stop to inquire about a person's civil immigration status. Establishes criminal offenses for improper facial coverings, lack of visible identification, and unauthorized civil immigration interrogation.

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

