

JAN 30 2026

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## 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



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

6        "§139-A    Facial coverings; visible identification; marking  
7    of vehicles; written policy.    (a)    By July 1, 2027, each law  
8    enforcement agency operating in the State shall establish and  
9    publicly post on the agency's website a written policy regarding  
10   the use of facial coverings, visibility of badges, and the  
11   conspicuous marking of law enforcement vehicles.

**12** (b) The policy shall include:

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

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

19 (C) The principle that generalized and  
20 undifferentiated fear and apprehension about law  
21 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



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

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:**

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;

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



- (b) An N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet; or a device, including an air-purifying respirator, full or half mask, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition;
- (c) A mask, helmet, or device, including a self-contained breathing apparatus, necessary for underwater use;
- (d) A motorcycle helmet when worn by an officer while in the performance of their duties and utilizing a motorcycle or other vehicle that requires a helmet for safe operations; or
- (e) Eyewear necessary to protect from the use of retinal weapons, including lasers;

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 Rhoek



# 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.*

