

STAND. COM. REP. NO. **3239**

Honolulu, Hawaii

MAR 30 2026

RE: H.B. No. 2540
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs, to which was referred H.B. No. 2540, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish provisions limiting state and federal collaboration for purposes of immigration enforcement operations;
- (2) Require state and county law enforcement agencies to establish and publicly post written policies regarding civil immigration enforcement;
- (3) Prohibit law enforcement officers from initiating or prolonging a stop, detention, or arrest of a person for the purpose of determining the person's civil immigration status, except under certain circumstances;
- (4) Establish as a policy of the Department of Law Enforcement that civil immigration activity involving state or county participation or facilities shall only proceed under certain conditions;



- (5) Prohibit state and county involvement in civil immigration enforcement activity in certain locations; and
- (6) Require the Department of Law Enforcement to assist state and county agencies in maintaining compliance with civil immigration enforcement policy.

Your Committees received testimony in support of this measure from the University of Hawai'i System, Pride at Work - Hawai'i, University of Hawaii Professional Assembly, Aloha Independent Living Hawaii, ACLU Hawai'i, Roots Reborn, Hawai'i Children's Action Network Speaks!, The Legal Clinic, Hawai'i Coalition for Immigrant Rights, Hawai'i Women Lawyers, and thirty-eight individuals.

Your Committees received testimony in opposition to this measure from two individuals.

Your Committees received comments on this measure from the State of Hawaii Organization of Police Officers.

Your Committees find that placing state or county police officers who are trained to enforce criminal law into the role of civil immigration agents undermines public safety. Specifically, when residents fear that contact with state or county law enforcement may expose them to federal immigration enforcement, they are less likely to report crimes, seek medical care, enroll children in school, or participate as witnesses. Additionally, agreements that deputize state and county law enforcement agencies for immigration enforcement purposes jeopardize the State's elevated respect for individual rights, which are more robust than those provided by the United States Constitution. This measure establishes clear boundaries and accountability for state and county law enforcement agencies to ensure public safety and protect individual rights.

Your Committees note that the companion to this measure, S.B. No. 3322, S.D. 2 (Regular Session of 2026), which was previously passed by the Senate, is a substantially similar measure that also establishes restrictions on state and county cooperation with federal immigration enforcement agencies. Your Committees



conclude that the language in S.B. No. 3322, S.D. 2, is preferable because it establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation.

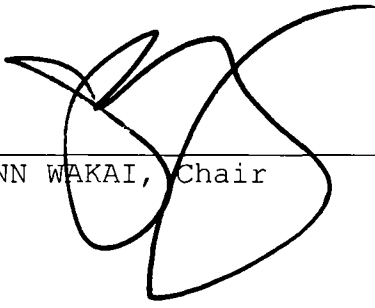
Accordingly, your Committees have amended this measure by deleting its contents and inserting the contents of S.B. No. 3322, S.D. 2, a substantially similar measure, which:

- (1) 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;
- (2) Requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement;
- (3) Prohibits law enforcement officers from prolonging a stop to inquire about a person's civil immigration status;
- (4) Establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation; and
- (5) Includes an effective date of March 22, 2075.


As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2540, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2540, H.D. 2, S.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committees on Public Safety and
Military Affairs and Energy and
Intergovernmental Affairs,



GLENN WAKAI, Chair



CAROL FUKUNAGA, Chair

The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety and Military Affairs
PSM

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2540 HDZ	PSM/E14, JDL	3/23/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
LEE, Chris (VC)	✓			
HASHIMOTO, Troy N.	✓			
INOUE, Lorraine R.				✓
DECORTE, Samantha			✓	
TOTAL	3		1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: [Signature]				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes

