

Honolulu, Hawaii

APR 10 2026

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

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2540, H.D. 2, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit with certain exceptions, the use of facial coverings and require visible identification by law enforcement officers and their vehicles in the performance of their duties;
- (2) Require state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement;
- (3) Prohibit law enforcement officers from prolonging a stop to inquire about a person's civil immigration status; and
- (4) Establish criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation.



Your Committee received testimony in support of this measure from the Office of the Public Defender; University of Hawaii Professional Assembly; Community Alliance on Prisons; UNITE HERE! Local 5; Hawai'i Women Lawyers; Roots Reborn; Imua Alliance; Hawai'i Children's Action Network Speaks!; Hawaii Filipino Lawyers Association; Hawai'i Coalition for Immigrant Rights; The Legal Clinic; Fujiwara & Rosenbaum, LLLC; ACLU Hawai'i; and thirty-five individuals.

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

Your Committee finds that when state or county agencies lend personnel, data, facilities, or credibility to federal operations, they can also absorb the downstream consequences, including exposure to civil liability, erosion of community trust, and complicity in actions that violate constitutional norms. Your Committee further finds that the Hawaii State Constitution provides broader protections for individual rights than the United States Constitution, and that limiting state participation in federal enforcement will reduce the risk of participating in federal operations that disregard civil liberties, due process, equal protection, and transparency. By allowing the State to embrace a general position of non-cooperation, this measure reaffirms the State's commitment to protecting its residents' civil liberties while also shielding the State from unnecessary legal and financial liability.

Your Committee has amended this measure by:

- (1) Specifying that, for each law enforcement agency's policy regarding the use of facial coverings, visibility of badges, and the conspicuous marking of law enforcement vehicles, the policy must include:
 - (A) A requirement that an opaque facial covering may be only used when no other reasonable alternative exists; the necessity is documented contemporaneously or as soon as practicable thereafter; and the identification required by the policy remains visible unless an express exemption provided by the policy applies to the identification requirement; and



- (B) A requirement that no supervisor shall knowingly allow a law enforcement officer under the supervisor's command to violate state law or agency policy regarding the use of a facial covering or the display of identification on the officer or vehicle;
- (2) Defining "law enforcement agency" to mean any county police department, the Department of Law Enforcement, the Department of the Attorney General, the Division of Conservation and Resources Enforcement of the Department of Land and Natural Resources, and any other state or county body that employs law enforcement officers, and any federal law enforcement agency;
- (3) Replacing the required provisions for each law enforcement agency's policy regarding civil immigration enforcement in the State with provisions that:
 - (A) Prohibit state or county law enforcement agencies from participating in civil immigration enforcement activity unless required by state or federal law or pursuant to a judicial warrant or court order;
 - (B) Prohibit state or county participation in civil immigration enforcement activity at schools or early-learning sites, health care facilities, emergency or domestic violence shelters, courthouses, or places of worship, absent a judicial warrant;
 - (C) Specify that each law enforcement agency is required to adopt written limits on the collection, retention, and sharing of certain data, except as required by state or federal law;
 - (D) Specify that each state or county agency is required to periodically publish aggregate data on civil immigration requests made to or by the agency; and



- (E) Require each state and law enforcement agency to adopt body-worn camera procedures for documenting interactions with federal immigration authorities when agency personnel are present at the scene, to the extent allowed by law and departmental policy;
- (4) Specifying that it is the policy of the Department of Law Enforcement that the Department shall not participate in civil immigration enforcement activity except as required by state or federal law or pursuant to judicial warrant or court order;
- (5) Replacing language that would have set certain requirements for the Department of Law Enforcement's civil immigration enforcement policy with language that:
 - (A) Requires the Department to adopt internal procedures, including procedures that govern requests for assistance from federal immigration authorities and requests for access to nonpublic areas of Department-controlled facilities;
 - (B) Specifies that the Department's policy shall not be construed to regulate private persons or private entities; and
 - (C) Allows the Department to issue guidance to state and county agencies regarding best practice for compliance with the policy;
- (6) Specifying that the exemptions to the offense of use of a mask or facial covering by a law enforcement officer apply to an officer who is:
 - (A) Engaged in an authorized undercover assignment or operation, or related duties in support of an undercover assignment or operation, authorized by supervising personnel or court order;
 - (B) Engaged in an active tactical operation where protective gear is required for physical safety;



- (C) Using protective equipment as required by applicable occupational health and safety law;
 - (D) Using a facial covering to protect identity during prosecution, as authorized by law or court order; and
 - (E) A plainclothes officer designated by the officer's agency, subject to certain conditions;
- (7) Defining "mask" or "facial covering" to mean any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, or similar face-shielding item;
 - (8) Narrowing the offense of "unauthorized civil immigration interrogation, arrest, or detention" to "unauthorized immigration arrest or detention" and specifying that an officer commits the offense by initiating or prolonging a stop, detention, or arrest for the purpose of determining or enforcing the person's civil immigration status when the officer lacks reasonable suspicion;
 - (9) Specifying that "reasonable suspicion" shall not be based solely on the exercise of rights protected by the United States Constitution;
 - (10) Amending section 1 to reflect its amended purpose; and
 - (11) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2540, H.D. 2, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2540, H.D. 2, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


Karl Rhoads

KARL RHOADS, Chair



The Senate
 Thirty-Third Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB2590 HD2 SD1	PSM/EIG, JDC	9/7/26		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton				✓
TOTAL	4	—	—	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink File with Committee Report Committee Drafting Agency				

*Only one measure per Record of Votes