
A BILL FOR AN ACT

RELATING TO IMMIGRATION.

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

1 SECTION 1. The legislature finds that the State is
2 committed to ensuring that all residents of Hawaii are treated
3 equally notwithstanding race, religion, national origin,
4 disability status, sexual orientation, gender, or immigration
5 status.

6 The legislature further finds that all residents of the
7 State are entitled to live in dignity and without fear. The
8 legislature also finds that immigrants are valuable and
9 essential members of the community and should be able to live
10 full and productive lives without fear of the government.

11 Furthermore, the legislature finds that a relationship of
12 trust between this State's immigrant community and state and
13 county agencies is central to the public safety of the people of
14 Hawaii. This trust is threatened when state and county agencies
15 are entangled with federal immigration enforcement, with the
16 result that immigrant community members fear going to court,
17 seeking basic health or other services, or pursuing education to



1 the detriment of public safety and the well-being of all
2 residents.

3 Therefore, the purpose of this Act is to prohibit:

4 (1) Any state or county law enforcement agency or law
5 enforcement official from entering into an agreement
6 under title 8 United States Code section 1357(g) or
7 any other federal law that permits state or county
8 agencies to engage in immigration enforcement; and

9 (2) State and county law enforcement agencies and law
10 enforcement officials from engaging in certain
11 immigration-related actions, except under limited
12 circumstances.

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

16 "CHAPTER

17 IMMIGRATION ENFORCEMENT; PROHIBITIONS

18 § -1 **Definitions.** As used in this chapter, unless the
19 context clearly requires otherwise:

20 "County" includes the city and county of Honolulu, county
21 of Hawaii, county of Kauai, and county of Maui.



1 "Federal immigration authority" means any federal officer,
2 employee, or person performing immigration enforcement
3 functions.

4 "Hold request" means a request by any federal immigration
5 authority that a state or county law enforcement agency maintain
6 custody of an individual currently in its custody beyond the
7 time the individual would otherwise be eligible for release in
8 order to facilitate transfer to the federal immigration
9 authority.

10 "Immigration enforcement" includes any effort to
11 investigate, enforce, or assist in the investigation or
12 enforcement of:

- 13 (1) Any federal civil immigration law; or
14 (2) Any federal criminal immigration law that penalizes a
15 person's presence in, entry into, reentry into, or
16 employment in the United States, including but not
17 limited to violations of title 8 United States Codes
18 sections 1253, 1304, 1306(a) and (b), 1325, or 1326.

19 "Law enforcement agency" means any agency in the State
20 charged with enforcing state or county laws or ordinances,
21 operating correctional facilities or juvenile detention



1 facilities, or maintaining custody of individuals in
2 correctional facilities or juvenile detention facilities.

3 "Law enforcement official" means an officer or agent of a
4 law enforcement agency.

5 § -2 **Immigration enforcement agreements; prohibited.** No
6 law enforcement agency or law enforcement official shall enter
7 into an agreement under title 8 United States Code section
8 1357(g) or any other federal law that permits state or county
9 agencies to engage in immigration enforcement.

10 § -3 **Prohibited actions by law enforcement agencies or**
11 **law enforcement officials.** No law enforcement agency or law
12 enforcement official shall:

13 (1) Inquire about the citizenship or immigration status of
14 an individual, except as required by law or if there
15 is a connection between such information and an
16 investigation into a violation of state or county
17 criminal law;

18 (2) Provide information pursuant to notification requests
19 from federal immigration authorities for the purposes
20 of immigration enforcement, except as required by law;



- 1 (3) Provide non-publicly available personal information to
2 federal immigration authorities about an individual in
3 a noncriminal matter, except as required by law;
- 4 (4) Allow federal immigration authorities access to
5 interview individuals about federal immigration
6 violations while the individuals are in custody,
7 except as required by law or by court order, unless
8 the individuals consent in writing to be interviewed;
- 9 (5) Detain an individual on the basis of a hold request;
- 10 (6) Provide information regarding an individual's release
11 date to federal immigration authorities; or
- 12 (7) Transfer an individual to federal immigration
13 authorities, unless authorized by a judicial warrant
14 or judicial determination of probable cause."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

State and County Law Enforcement; Immigration Enforcement
Actions; Prohibition

Description:

Prohibits any law enforcement agency or law enforcement official from entering into an agreement under federal law that permits state or county agencies to engage in immigration enforcement. Prohibits law enforcement agencies and law enforcement officials from engaging in certain immigration-related actions, except under limited circumstances. Effective 7/1/3000. (HD1)

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