
A BILL FOR AN ACT

RELATING TO PROTECTED COMMUNITY LOCATIONS.

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

1 SECTION 1. The legislature finds that schools, health care
2 settings, libraries, shelters, places of worship, and other
3 community spaces must remain safe and accessible to all
4 residents. In January 2025, the United States Department of
5 Homeland Security rescinded prior guidance protecting
6 "sensitive" or "protected" areas, creating uncertainty and
7 chilling access to critical services.

8 The purpose of this Act is to establish statewide standards
9 for state and county agencies, officers, employees, and
10 contractors, to limit participation in civil immigration
11 enforcement in or near protected community locations, consistent
12 with the State's police powers, civil rights laws, and
13 constitutional protections for education, public health, and the
14 free exercise of religion.

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



1 "CHAPTER
2 PROTECTED COMMUNITY LOCATIONS AND CIVIL IMMIGRATION ENFORCEMENT

3 § -1 Definitions. As used in this chapter:

4 "Civil immigration enforcement" means actions to
5 investigate, apprehend, detain, or remove a person for alleged
6 violations of federal civil immigration law.

7 "Designated administrator or counsel" means the individual
8 or office formally identified as the point of contact authorized
9 to receive, review, and respond to inquiries, requests, or
10 documents related to civil immigration enforcement, including
11 verifying the validity and authority of judicial warrants and
12 coordinating the agency's obligations under this chapter.

13 "Immigration detainer" means a request from a federal
14 agency to a state or county agency to hold an individual for
15 civil immigration enforcement purposes in state or county
16 custody.

17 "Judicial warrant" means a warrant issued by a federal or
18 state judge based on probable cause. "Judicial warrant" does
19 not include an administrative warrant issued by an executive
20 branch agency or immigration detainer.



1 "Nonpublic area" means any area of a facility that is not
2 open to the general public.

3 "Protected community location" means any facility operated
4 by the State or a county.

5 "Protected perimeter" means the area within one thousand
6 feet of the real property boundary of a protected community
7 location, including adjacent parking areas, sidewalks, streets,
8 and other publicly accessible spaces.

9 "State actor" means any state or county agency, officer, or
10 employee who is performing their official duties.

11 "State contractor" means any person, business, nonprofit
12 organization, or other entity that enters into a contract,
13 grant, agreement, or other arrangement, after the effective date
14 of this Act, in excess of \$1,000,000 per year, to provide goods
15 or services on behalf of, or for the benefit of, a state agency.

16 § -2 **No assistance with civil immigration enforcement in**
17 **protected community locations.** (a) A state actor or state
18 contractor shall not use personnel, facilities, property,
19 equipment, or funds to assist with civil immigration enforcement
20 in a protected community location or within the protected



1 perimeter, except as authorized in subsection (b). A state
2 actor or state contractor shall not:

3 (1) Provide access to nonpublic areas of a protected
4 community location for civil immigration enforcement
5 purposes;

6 (2) Collect personal or identifying information for civil
7 immigration enforcement purposes; or

8 (3) Facilitate interviews or surveillance for civil
9 immigration enforcement purposes,

10 unless required by federal or state law or pursuant to a
11 judicial warrant.

12 (b) This section shall not prohibit:

13 (1) Responding to an imminent threat to life or safety;

14 (2) Executing a judicial warrant or court order;

15 (3) Performing duties unrelated to civil immigration
16 enforcement, including fire code, building safety, or
17 public health inspections; or

18 (4) Acting as otherwise required by federal or state law.

19 § -3 Law enforcement requests; judicial warrants;

20 reporting. (a) A state actor or state contractor working at a
21 protected community location shall refer any law enforcement



1 request relating to immigration to the designated administrator
2 or counsel.

3 (b) Access to nonpublic areas shall be granted only upon
4 presentation of a judicial warrant, either the original or a
5 court-stamped copy, and confirmation by the designated
6 administrator or counsel that the warrant is valid and
7 authorizes the requested entry.

8 (c) Each state actor and state contractor shall document
9 all immigration-related requests, including photographing or
10 otherwise copying any warrant or document presented, and
11 promptly transmit the record to the designated administrator or
12 counsel and attorney general.

13 § -4 Policies, training, and signage. (a) By
14 January 1, 2027, all state and county agencies that operate
15 protected community locations shall adopt and post written
16 policies that:

- 17 (1) Identify nonpublic areas;
- 18 (2) Establish procedures for warrant verification and
19 staff response;
- 20 (3) Prohibit the collection of immigration-status data
21 unless required by law;



1 (4) Require annual staff training; and

2 (5) Require multilingual notices stating that services are
3 provided regardless of immigration status.

4 (b) The attorney general shall publish model policies for
5 adoption by all state and county agencies that operate protected
6 community locations and voluntary adoption by private education
7 or health providers and private places of worship.

8 § -5 **Data privacy and records.** State actors and state
9 contractors shall not inquire into or collect information
10 regarding a person's immigration or citizenship status, except
11 as required by law or as necessary to provide the requested
12 service.

13 § -6 **Enforcement; complaints; investigation.** The
14 attorney general shall adopt policies and procedures to receive
15 complaints, investigate alleged violations of this chapter, and
16 issue findings; provided that no finding of a violation shall be
17 issued against a state actor who acts in good faith reliance on
18 what appears to be a valid judicial warrant, or who acts under
19 duress or a reasonable fear for the state actor's safety.

20 § -7 **Construction; federal law.** Nothing in this chapter
21 shall obstruct federal officers acting within their lawful



1 authority. This chapter shall be construed to regulate only the
2 conduct of state actors and state contractors."

3 SECTION 3. Chapter 27, Hawaii Revised Statutes, is amended
4 by adding a new section to be appropriately designated and to
5 read as follows:

6 "§27-_____ Protected community locations; compliance. All
7 state agencies shall comply with chapter _____, relating to
8 protected community locations and civil immigration enforcement,
9 including by adopting and posting written policies, providing
10 annual staff training, and maintaining data privacy
11 protections."

12 SECTION 4. Chapter 46, Hawaii Revised Statutes, is amended
13 by adding a new section to be appropriately designated and to
14 read as follows:

15 "§46-_____ Protected community locations; compliance. All
16 county agencies shall comply with chapter _____, relating to
17 protected community locations and civil immigration enforcement,
18 including by adopting and posting written policies, providing
19 annual staff training, and maintaining data privacy
20 protections."



1 SECTION 5. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so
3 much thereof as may be necessary for fiscal year 2026-2027 for
4 the department of the attorney general to implement this Act,
5 including by providing model policies, training materials, and a
6 reporting portal.

7 The sum appropriated shall be expended by the department of
8 the attorney general for the purposes of this Act.

9 SECTION 6. This Act is of statewide concern, in accordance
10 with article X, section 6 of the Hawaii State Constitution.
11 Nothing in this Act restricts the university of Hawaii from
12 complying with mandatory federal contractor certifications or
13 other conditions tied to federal funding.

14 SECTION 7. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

AG; Civil Immigration Enforcement; State Actors; State Contractors; Protected Community Locations; Statewide Standards; Written Policies; Appropriation

Description:

Establishes statewide standards for state and county agencies, officers, employees, and contractors, to limit participation in civil immigration enforcement in or near protected community locations. By 1/1/2027, requires all state and county agencies that operate protected community locations to adopt and post written policies, provide annual staff training, and maintain data privacy protections. Appropriates funds for implementation by the Attorney General. Effective 7/1/3000. (HD2)

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

