
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, according to the
2 American Immigration Council, Hawaii is home to approximately
3 258,000 immigrants, comprising eighteen per cent of the State's
4 population. About thirty thousand of these foreign-born
5 individuals are believed to be undocumented. The legislature
6 recognizes that the State is justifiably proud of its rich
7 immigrant heritage, which has woven many residents into a valued
8 tapestry of races, ancestral groups, religions, cultures, and
9 languages from people throughout the world. Accordingly, it is
10 necessary to establish clear policies and limits on federal
11 immigration enforcement occurring within the State. This
12 includes upholding due process and judicial oversight standards;
13 restricting immigration enforcement activity from occurring in
14 sensitive places such as schools, places of worship, and health
15 care facilities; and prohibiting state law enforcement agencies
16 and officers from engaging in certain immigration enforcement
17 activities.



1 Accordingly, the purpose of this Act is to:

2 (1) Establish provisions limiting state and federal
3 collaboration for purposes of immigration enforcement
4 operations;

5 (2) Require law enforcement agencies operating in the
6 State to establish and publicly post written policies
7 regarding civil immigration enforcement, including
8 procedures governing law enforcement officer's
9 authority to make any inquiry into a person's civil
10 immigration status;

11 (3) Prohibit law enforcement officers from initiating or
12 prolonging a stop, detention, or arrest of a person
13 for the purpose of determining the person's civil
14 immigration status;

15 (4) Establish as a policy of the department of law
16 Enforcement that civil immigration activity involving
17 state or county participation or facilities shall only
18 proceed under certain conditions;

19 (5) Prohibit state and county involvement in civil
20 immigration enforcement activity in certain locations;
21 and



1 (6) Require the department of law enforcement to assist
2 state and county agencies in maintaining compliance
3 with civil immigration enforcement policy.

4 SECTION 2. The Hawaii Revised Statutes is amended by
5 adding a new chapter to be appropriately designated and to read
6 as follows:

7 **"CHAPTER**

8 **STATE AND FEDERAL COLLABORATION**

9 **§ -1 Definitions.** As used in this chapter:

10 "Federal authorities" means any federal agency or
11 department.

12 "Federal law enforcement officer" means any employee of the
13 United States government authorized to arrest a person for
14 criminal or civil violations of federal law and who is
15 authorized to carry a firearm in the performance of their
16 official duties

17 "Immigration enforcement operation" means any operation
18 that has as its main objective the identification or
19 apprehension of a person or persons for purposes of civil
20 immigration detention, removal or deportation proceedings, or
21 criminal prosecution for offenses related to immigration status.



1 "Legal assistance" means legal advice or representation
2 provided by an attorney or an individual under the direct
3 supervision of an attorney.

4 "Law enforcement agency" has the same meaning as in section
5 139-1.

6 "Law enforcement officer" has the same meaning as in
7 section 139-1.

8 "Personal information" means any information that is linked
9 or reasonably linkable, alone or in combination with other
10 information, to an identified or identifiable individual, or a
11 device that identifies or is linked or reasonably linkable to an
12 individual, including geolocation.

13 "Public employee" means any nominated, appointed, or
14 elected officer or employee of the State or any county,
15 including the political subdivisions and agencies thereof, any
16 employee under contract with the State or any county, and any
17 probationary or provisional employee of the State or county.

18 **§ -2 Limitation on state and federal collaboration;**
19 **immigration enforcement.** (a) Except as provided by federal or
20 state law, no state department or agency may use funds
21 appropriated by the legislature or state public funds to assist



1 or facilitate federal authorities or federal law enforcement
2 officers in conduct that exceeds their statutorily enumerated
3 duties and authority.

4 (b) Except as required by federal or state law, no public
5 employee acting in their official capacity shall assist or
6 cooperate with, or allow any time, money, facilities, property,
7 equipment, personnel, or other resources to be used to assist,
8 cooperate with, or facilitate any operation executed in whole or
9 part by federal authorities or out-of-state authorities that
10 seeks to identify, arrest, or otherwise impose:

11 (1) A penalty or civil or criminal liability upon a person
12 or entity based on their engagement in activities
13 protected by the United States Constitution or the
14 Hawaii Constitution regarding assembly, petitioning,
15 and speech; or

16 (2) A penalty upon a person for purposes of federal
17 immigration enforcement, including an immigration
18 enforcement operation occurring at or near a school,
19 health facility, place of worship, or courthouse.

20 § -3 **Limitation on state deputization.** A public
21 employee or law enforcement officer shall not request assistance



1 from a federal law enforcement officer for the enforcement of
2 state laws regarding check points or screenings and motor
3 vehicle traffic stops.

4 **§ -4 Agreements for criminal law enforcement.** (a) If a
5 law enforcement agency enters into an agreement with federal
6 authorities for the purpose of criminal law enforcement, the
7 agreement shall be in writing and shall not authorize the
8 participation of federal law enforcement officers or law
9 enforcement authorities in checkpoints, screenings, or motor
10 vehicle traffic stops conducted at the direction, or with the
11 assistance, of a law enforcement agency or law enforcement
12 officer.

13 (b) Any agreement under subsection (a) shall not exceed
14 two years and shall include a requirement for the training of
15 involved federal law enforcement officers on state
16 constitutional and statutory civil rights protections. Any
17 agreement shall be subject to review and approval by the
18 attorney general.

19 **§ -5 Task force; prohibition.** (a) No public employee,
20 law enforcement agency, or law enforcement officer shall take
21 part in or seek to enter an agreement with federal authorities



1 or out-of-state authorities for the purposes of sharing personal
2 information, providing assistance with surveillance,
3 investigations, or prosecution or an immigration enforcement
4 operation, including a joint federal-state operation such as a
5 federal Department of Homeland Security task force, fusion
6 center, or joint terrorism task force, if the public employee,
7 law enforcement agency, or law enforcement officer has reason to
8 believe the agreement would result in:

9 (1) Conduct that amounts to a violation of individual
10 liberties and rights guaranteed under the United
11 States Constitution or Hawaii State Constitution,
12 including racial profiling, unlawful surveillance or
13 investigation, excessive use of force, or unlawful
14 detention;

15 (2) Conduct that seeks to identify, apprehend, arrest, or
16 impose civil or criminal liability or other penalties
17 upon a person or entity for:

18 (A) Engaging in protected activities including
19 assembly, petitioning, and speech;



- 1 (B) The provision of humanitarian assistance, legal
- 2 assistance, or other aid to benefit an
- 3 individual;
- 4 (C) Civil immigration detention, removal, or
- 5 deportation proceedings;
- 6 (D) Offenses related to immigration status; or
- 7 (E) Nonfederal misdemeanors and violations, including
- 8 motor vehicle offenses and traffic violations; or

9 (3) An attempt to obtain data from a law enforcement
10 agency, conduct surveillance, or investigate domestic
11 terrorism and organized political violence in
12 furtherance of the objectives of National Security
13 Presidential Memorandum-7.

14 (b) Prior to the renewal or establishment of a new
15 agreement, the law enforcement agency shall seek and receive
16 written approval from the attorney general that the agreement is
17 in compliance with applicable state laws."

18 SECTION 3. Chapter 139, Hawaii Revised Statutes, is
19 amended by adding a new part to be appropriately designated and
20 to read as follows:

21 **"PART . CIVIL IMMIGRATION ENFORCEMENT**



1 **§139- Definitions.** For the purposes of this part:

2 "Law enforcement agency" includes any federal agency that
3 employs law enforcement officers or other sworn personnel.

4 "Law enforcement officer" means any officer of a federal, state,
5 or local law enforcement agency, or any person acting on behalf of a
6 federal, state, or local law enforcement agency.

7 **§139- Civil immigration enforcement; written policy.** (a)

8 By July 1, 2027, each law enforcement agency operating in the
9 State shall establish and publicly post on its website a written
10 policy regarding civil immigration enforcement in the State.

11 (b) The policy shall provide that:

12 (1) Civil immigration enforcement activity involving state
13 or county participation or facilities shall proceed
14 only on the basis of documented, reviewable legal
15 authority that prioritizes due process and judicial
16 oversight;

17 (2) Civil immigration enforcement activity involving state
18 or county participation shall not be conducted at
19 schools or early-learning sites, health facilities,
20 emergency or domestic violence shelters, courthouses,
21 or places of worship, except in compliance with



1 narrowly tailored procedures for unavoidable civil
2 immigration actions;

3 (3) State and county agencies shall adopt clear limits on
4 the collection, retention, and sharing of
5 immigration-related personal data except as required
6 by law, and any interagency data exchanges shall
7 operate under auditable agreements;

8 (4) Each state or county agency shall periodically report
9 and make publicly available aggregate data on civil
10 immigration requests to or from the agency;

11 (5) Immigration-based threats or verification abuse shall
12 be treated as prohibited retaliation in workplaces and
13 public services pursuant to federal and state law; and

14 (6) When notified of United States Immigration and Customs
15 Enforcement activity, each state and county law
16 enforcement agency shall require nearby personnel to
17 use body cameras to monitor the United States
18 Immigration and Customs Enforcement agents'
19 interactions with the public.

20 **§139- Civil immigration status inquiries; documentation;**
21 **limitations.** (a) Each law enforcement agency operating in the



1 State shall include in its written policy required under section
2 139-B procedures governing a law enforcement officer's authority
3 to make any inquiry into a person's civil immigration status,
4 including the authority to ask a person about citizenship,
5 immigration status, place of birth, or request documentation for
6 purposes of determining civil immigration status.

7 (b) No law enforcement officer shall initiate or prolong a
8 stop, detention, or arrest of a person for the purpose of
9 determining the person's civil immigration status unless the
10 officer has reasonable suspicion, based on specific and
11 articulable facts, that the person is unlawfully present in the
12 United States and the inquiry is otherwise authorized by state
13 law and the agency's written policy.

14 (c) Reasonable suspicion under subsection (b) shall not be
15 based solely on race, color, ethnicity, national origin,
16 ancestry, language, accent, religion, manner of dress, presence
17 in a particular location, or the exercise of rights protected by
18 the United States Constitution or the Constitution of the State
19 of Hawaii."



1 SECTION 4. Chapter 353C, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§353C- Civil immigration enforcement policy. (a) It
5 is the policy of the department that civil immigration
6 enforcement activity involving state or county participation or
7 facilities shall proceed only on the basis of documented,
8 reviewable legal authority that prioritizes due process and
9 judicial oversight.

10 (b) Civil immigration enforcement activity involving state
11 or county participation shall not be conducted at schools,
12 early-learning sites, health care facilities, emergency or
13 domestic violence shelters, courthouses, or places of worship.

14 (c) No employee or agent acting on behalf of the facilities
15 listed in subsection (b) shall provide voluntary consent
16 permitting a law enforcement agent to enter a nonpublic area of
17 the facility for the purpose, or in furtherance, of an operation
18 executed in whole or part by federal authorities or out-of-state
19 authorities that seeks to:

20 (1) Identify or impose civil or criminal liability upon a
21 person or entity based on their participation in



1 activities protected by the First Amendment of the
2 United States Constitution or state constitution; or

3 (2) To identify, arrest, or otherwise impose a penalty
4 upon a person for purposes of federal immigration
5 enforcement, including an immigration enforcement
6 operation.

7 (d) The policy under this section shall not prevent
8 compliance with a valid judicial warrant authorizing entry or
9 entry under exigent circumstances.

10 (e) The department shall assist state and county agencies
11 in maintaining compliance with the civil immigration enforcement
12 policy in this section."

13 SECTION 5. If any provision of this Act, or the
14 application thereof to any person or circumstance, is held
15 invalid, the invalidity does not affect other provisions or
16 applications of the Act that can be given effect without the
17 invalid provision or application, and to this end the provisions
18 of this Act are severable.

19 SECTION 6. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

DLE; State and Federal Collaboration; Civil Immigration Enforcement; Law Enforcement Officers; Law Enforcement Agencies; Written Policies; Detention; Civil Immigration Status

Description:

Establishes provisions limiting state and federal collaboration for purposes of immigration enforcement operations. Requires law enforcement agencies operating in the State to establish and publicly post written policies regarding civil immigration enforcement, including procedures governing law enforcement officer's authority to make any inquiry into a person's civil immigration status. Prohibits 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. Establishes 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. Prohibits state and county involvement in civil immigration enforcement activity in certain locations. Requires the Department of Law Enforcement to assist state and county agencies in maintaining compliance with civil immigration enforcement policy. Effective 7/1/3000. (HD1)

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