
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 is reflected in a valued tapestry of
8 races, ancestral groups, religions, cultures, and languages from
9 people throughout the world. Accordingly, it is necessary to
10 establish clear policies and limits on federal immigration
11 enforcement occurring within the State. This includes upholding
12 due process and judicial oversight standards; restricting
13 immigration enforcement activity from occurring in sensitive
14 places such as schools, health care facilities, and places of
15 worship; and prohibiting state law enforcement agencies and
16 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 state and county law enforcement agencies to
- 6 establish and publicly post written policies regarding
- 7 civil immigration enforcement;
- 8 (3) Prohibit law enforcement officers from initiating or
- 9 prolonging a stop, detention, or arrest of a person
- 10 for the purpose of determining the person's civil
- 11 immigration status, except under certain
- 12 circumstances;
- 13 (4) Establish as a policy of the department of law
- 14 enforcement that civil immigration activity involving
- 15 state or county participation or facilities shall only
- 16 proceed under certain conditions;
- 17 (5) Prohibit state and county involvement in civil
- 18 immigration enforcement activity in certain locations;
- 19 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 civil
14 or criminal violations of federal law and who is authorized to
15 carry a firearm in the performance of their official duties.

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



1 "Law enforcement agency" has the same meaning as in section
2 139-1.

3 "Law enforcement officer" has the same meaning as in
4 section 139-1.

5 "Legal assistance" means legal advice or representation
6 provided by an attorney or an individual under the direct
7 supervision of an attorney.

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 shall 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 the statutorily enumerated
3 duties and authority of the federal authorities or federal law
4 enforcement officers.

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

12 (1) A penalty or civil or criminal liability upon a person
13 or entity based on their participation in activities
14 protected by the First Amendment of the United States
15 Constitution or state constitution; 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 early-learning site, institution of higher education,
20 including a university of Hawaii campus, health care



1 facility, emergency or domestic violence shelter,
2 courthouse, or place of worship.

3 § -3 **Limitation on state deputization.** A public
4 employee or law enforcement officer shall not request assistance
5 from a federal law enforcement officer for the enforcement of
6 state laws regarding check points, screenings, or motor vehicle
7 traffic stops.

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

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



1 § -5 **Task force; prohibition.** (a) No public employee,
2 law enforcement agency, or law enforcement officer shall take
3 part in or seek to enter an agreement with federal authorities
4 or out-of-state authorities for the purposes of collecting
5 personal information or providing assistance with surveillance,
6 investigations, or prosecution or an immigration enforcement
7 operation, including a joint federal-state operation such as a
8 federal Department of Homeland Security task force, fusion
9 center, or joint terrorism task force, if the public employee,
10 law enforcement agency, or law enforcement officer has reason to
11 believe the agreement would result in:

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

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



- 1 (A) Engaging in protected activities, including
2 assembly, petitioning, and speech;
- 3 (B) The provision of humanitarian assistance, legal
4 assistance, or other aid to benefit an
5 individual;
- 6 (C) Civil immigration detention, removal, or
7 deportation proceedings;
- 8 (D) Offenses related to immigration status; or
- 9 (E) Nonfederal misdemeanors and violations, including
10 motor vehicle offenses and traffic violations; or
- 11 (3) An attempt to obtain data from a law enforcement
12 agency, conduct surveillance, or investigate domestic
13 terrorism and organized political violence in
14 furtherance of the objectives of National Security
15 Presidential Memorandum-7.
- 16 (b) Before the renewal or establishment of a new
17 agreement, the law enforcement agency shall seek and receive
18 written approval from the attorney general that the agreement is
19 in compliance with applicable state laws.
- 20 § -6 **Safe harbor; good faith compliance.** No public
21 employee or law enforcement officer shall be subject to



1 discipline, retaliation, or civil liability for an act or
2 omission taken in good faith when attempting to comply with this
3 chapter or when responding to perceived federal authority."

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

7 "PART . CIVIL IMMIGRATION ENFORCEMENT

8 §139- Civil immigration enforcement; written policy.

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

12 (b) The policy shall provide that:

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

18 (2) Civil immigration enforcement activity involving state
19 or county participation shall not be conducted at
20 schools, early-learning sites, institutions of higher
21 education, including university of Hawaii campuses,



1 health facilities, emergency or domestic violence
2 shelters, courthouses, or places of worship, except in
3 compliance with narrowly tailored procedures for
4 unavoidable civil immigration actions;

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

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

13 (5) Threats to report a person's immigration status, or
14 the misuse of immigration-status verification, shall
15 be treated as prohibited retaliation in workplaces and
16 in the provision of public services pursuant to
17 federal and state law; and

18 (6) When notified of United States Immigration and Customs
19 Enforcement activity, each state and county law
20 enforcement agency shall require any officer who is
21 already present at the scene at the time of the



1 notification to use a body-worn camera to monitor the
2 United States Immigration and Customs Enforcement
3 agents' interactions with the public.

4 **§139- Civil immigration status inquiries;**
5 **documentation; limitations.** (a) No law enforcement officer
6 shall initiate or prolong a stop, detention, or arrest of a
7 person for the purpose of determining the person's civil
8 immigration status unless the officer has reasonable suspicion,
9 based on specific and articulable facts, that the person is
10 unlawfully present in the United States and the inquiry is
11 otherwise authorized by state law and the agency's written
12 policy.

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

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



1 "§353C- Civil immigration enforcement policy. (a) It
2 shall be the policy of the department that civil immigration
3 enforcement activity involving state or county participation or
4 facilities shall proceed only on the basis of documented,
5 reviewable legal authority that prioritizes due process and
6 judicial oversight.

7 (b) Civil immigration enforcement activity involving state
8 or county participation shall not be conducted at schools,
9 early-learning sites, institutions of higher education, including
10 university of Hawaii campuses, health care facilities, emergency
11 or domestic violence shelters, courthouses, or places of worship.

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

18 (1) Identify or impose civil or criminal liability upon a
19 person or entity based on their participation in
20 activities protected by the First Amendment of the
21 United States Constitution or state constitution; or



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

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

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

11 SECTION 5. Chapter 139, Hawaii Revised Statutes, is
12 amended by designating sections 139-1 to 139-13 as part I,
13 entitled "General Provisions".

14 SECTION 6. If any provision of this Act, or the
15 application thereof to any person or circumstance, is held
16 invalid, the invalidity does not affect other provisions or
17 applications of the Act that can be given effect without the
18 invalid provision or application, and to this end the provisions
19 of this Act are severable.

20 SECTION 7. New statutory material is underscored.



1 SECTION 8. 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 state and county law enforcement agencies to establish and publicly post written policies regarding civil immigration enforcement. 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, except under certain circumstances. 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. (HD2)

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

