

JAN 21 2026

# A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

SECTION 1. Chapter 139, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**"§139- Use of biometric surveillance technology; prohibition.** (a) No law enforcement agency or law enforcement officer shall use any biometric surveillance technology on any person, except:

(1) If the officer has a reasonable suspicion that the person has committed a crime;

(2) To execute a warrant duly authorized by a judge based on probable cause that an unidentified or unconfirmed individual in an image has committed a crime; or

(3) Upon reasonable belief that an emergency involving immediate danger of death or serious physical injury to any individual or group of people requires the performance of a facial recognition search without delay.



1        (b) For the purposes of this section:

2        "Biometric surveillance technology" means any computer  
3 software that performs facial recognition or other remote  
4 biometric recognition.

5        "Facial recognition" means an automated or semi-automated  
6 process that assists in identifying or verifying an individual  
7 or analyzing or capturing information about an individual based  
8 on the physical characteristics of an individual's face, head,  
9 or body, or that uses characteristics of an individual's face,  
10 head, or body to derive information about the associations,  
11 activities, or location of an individual. "Facial recognition"  
12 shall not include the use of search terms to sort images in a  
13 database."

14        SECTION 2. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17        SECTION 3. New statutory material is underscored.

18        SECTION 4. This Act shall take effect upon its approval.

19  
INTRODUCED BY: 



# S.B. NO. 2049

**Report Title:**

Law Enforcement; Biometric Surveillance Technology; Facial  
Recognition; Prohibition

**Description:**

Prohibits law enforcement agencies and law enforcement officers  
from using biometric surveillance technology in the State unless  
certain conditions are met.

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

