

JAN 21 2026

A BILL FOR AN ACT

RELATING TO LAW ENFORCEMENT.

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

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

4 "§139- Use of biometric surveillance technology;
5 prohibition. (a) No law enforcement agency or law enforcement
6 officer shall use any biometric surveillance technology on any
7 person, except:

8 (1) If the officer has a reasonable suspicion that the
9 person has committed a crime;
10 (2) To execute a warrant duly authorized by a judge based
11 on probable cause that an unidentified or unconfirmed
12 individual in an image has committed a crime; or
13 (3) Upon reasonable belief that an emergency involving
14 immediate danger of death or serious physical injury
15 to any individual or group of people requires the
16 performance of a facial recognition search without
17 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.

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