
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 the State is
2 committed to ensuring that all Hawaii residents are treated
3 equally notwithstanding race, religion, national origin,
4 disability status, sexual orientation, gender, or immigration
5 status.

6 The legislature further finds that all Hawaii residents are
7 entitled to live in dignity and without fear. The legislature
8 also finds that immigrants are valuable and essential members of
9 the community and should be able to live full and productive
10 lives without fear of the government.

11 Furthermore, the legislature finds that a relationship of
12 trust between the State's immigrant community and state and
13 county agencies is central to the public safety of the people of
14 Hawaii. This trust is threatened when state and county agencies
15 are entangled with federal immigration enforcement, with the
16 result that immigrant community members fear going to court,



1 seeking basic health or other services, or pursuing education to
2 the detriment of public safety and the well-being of all
3 residents.

4 Therefore, the purpose of this Act is to prohibit:

5 (1) Any state or county law enforcement agency or law
6 enforcement official from entering into an agreement
7 under title 8 United States Code section 1357(g) or
8 any other federal law that permits state or county
9 agencies to engage in immigration enforcement; and

10 (2) State and county law enforcement agencies and law
11 enforcement officials from engaging in certain
12 immigration-related actions, except under limited
13 circumstances.

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

17 **"CHAPTER**

18 **IMMIGRATION ENFORCEMENT; PROHIBITIONS**

19 § -1 **Definitions.** As used in this chapter:



1 "Federal immigration authority" means any federal officer,
2 employee, or person performing immigration enforcement
3 functions.

4 "Hold request" means a request by any federal immigration
5 authority that a state or county law enforcement agency maintain
6 custody of an individual currently in its custody beyond the
7 time the individual would otherwise be eligible for release in
8 order to facilitate transfer to the federal immigration
9 authority.

10 "Immigration enforcement" includes any effort to
11 investigate, enforce, or assist in the investigation or
12 enforcement of:

- 13 (1) Any federal civil immigration law; or
- 14 (2) Any federal criminal immigration law that penalizes a
15 person's presence in, entry into, reentry into, or
16 employment in the United States, including but not
17 limited to violations of title 8 United States Code
18 sections 1253, 1304, 1306(a) and (b), 1325, or 1326.

19 "Law enforcement agency" means any agency in the State
20 charged with enforcing state or county laws or ordinances,
21 operating correctional facilities or juvenile detention



1 facilities, or maintaining custody of individuals in
2 correctional facilities or juvenile detention facilities.

3 "Law enforcement official" means an officer or agent of a
4 law enforcement agency.

5 § -2 **Immigration enforcement agreements; prohibited.** No
6 law enforcement agency or law enforcement official shall enter
7 into an agreement under title 8 United States Code section
8 1357(g) or any other federal law that permits state or county
9 agencies to engage in immigration enforcement.

10 § -3 **Prohibited actions by law enforcement agencies or**
11 **law enforcement officials.** Except as required by federal or
12 state law, no law enforcement agency or law enforcement official
13 shall:

14 (1) Inquire about the citizenship or immigration status of
15 an individual, unless there is a connection between
16 such information and an investigation into a violation
17 of state or county criminal law;

18 (2) Provide information pursuant to notification requests
19 from federal immigration authorities for the purposes
20 of immigration enforcement;



1 (3) Provide non-publicly available personal information to
2 federal immigration authorities about an individual in
3 a noncriminal matter;

4 (4) Allow federal immigration authorities access to
5 interview individuals about federal immigration
6 violations while the individuals are in custody,
7 except as required by law or by court order, unless
8 the individuals consent in writing to be interviewed;

9 (5) Detain an individual on the basis of a hold request;

10 (6) Transfer an individual to federal immigration
11 authorities, unless authorized by a judicial warrant
12 or judicial determination of probable cause; or

13 (7) Otherwise assist or cooperate with or allow time,
14 money, facilities, property, equipment, vehicles,
15 personnel, databases, surveillance technology,
16 communication systems, or other resources to be used
17 to facilitate federal immigration authorities in an
18 operation for the purpose of civil immigration
19 enforcement.

20 § -4 **Construction; federal law.** Nothing in this chapter
21 shall be construed to prohibit:



- 1 (1) A law enforcement official from performing the law
- 2 enforcement official's duties under state law,
- 3 including investigating or enforcing state criminal
- 4 laws;
- 5 (2) Compliance with a judicial warrant, court order, or
- 6 subpoena; or
- 7 (3) The provision of information or assistance expressly
- 8 required by federal or state law, including any
- 9 mandatory information-sharing duty, or in accordance
- 10 with title 8 United States Code sections 1373 and
- 11 1644."

12 SECTION 3. This Act does not affect rights and duties that

13 matured, penalties that were incurred, and proceedings that were

14 begun before its effective date.

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



Report Title:

State Law Enforcement Agencies; County Law Enforcement Agencies;
Law Enforcement Officials; Federal Immigration Authorities;
Prohibition; Immigration Enforcement

Description:

Prohibits any law enforcement agency or law enforcement official from entering into an agreement under federal law that permits state or county agencies to engage in immigration enforcement. Prohibits law enforcement agencies and law enforcement officials from engaging in certain immigration-related actions, except under limited circumstances. (CD1)

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