
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- Federal law enforcement collaboration;
5 prohibited. (a) Except as required by federal or state law, no
6 law enforcement officer shall use any personnel or funds
7 originating in the State to assist or facilitate:

8 (1) Federal immigration agents for the purpose of civil
9 immigration enforcement; or

10 (2) Conduct by federal immigration agents that exceeds
11 their law enforcement duty or authority.

12 (b) Except as required by federal or state law, no law
13 enforcement officer shall assist or cooperate with or allow
14 time, money, facilities, property, equipment, vehicles,
15 personnel, databases, surveillance technology, communication
16 systems, or other resources to be used to facilitate federal
17 immigration agents in an operation for the purpose of civil



1 immigration enforcement or that seeks to identify, arrest, or
2 impose any other criminal or civil penalty on a person or entity
3 for:

4 (1) Activities protected by the First Amendment of the
5 United States Constitution; or

6 (2) Immigration enforcement purposes, including
7 immigration enforcement that occurs at or near a
8 school, health facility, place of worship, or
9 courthouse.

10 (c) Nothing in this section shall be construed to
11 prohibit:

12 (1) A law enforcement officer from performing the law
13 enforcement officer's duties under state law,
14 including investigating or enforcing state criminal
15 laws;

16 (2) Compliance with a judicial warrant, court order, or
17 subpoena; or

18 (3) The provision of information or assistance expressly
19 required by federal or state law, including any
20 mandatory information-sharing duty or in accordance
21 with title 8 United States Code section 1373 and 1644.



1 (d) For the purposes of this section:

2 "Activities protected by the First Amendment of the United
3 States Constitution" includes:

4 (1) Nonviolent speech, assembly, and protest, including
5 marches, rallies, vigils, and demonstrations;

6 (2) Recording, photographing, or livestreaming law
7 enforcement activity in a public place; provided that
8 the person does not physically interfere with lawful
9 law enforcement activity; and

10 (3) Verbal criticism of, or speaking to, law enforcement
11 officers, including speech that is impolite,
12 offensive, or profane; provided that the conduct does
13 not constitute a true threat or otherwise fall outside
14 the protections of the First Amendment.

15 "Assist" means to provide operational support to a federal
16 immigration agent, including:

17 (1) Helping plan, coordinate, staff, or execute an
18 operation for civil immigration enforcement or that
19 seeks to identify, arrest, or impose any other
20 criminal or civil penalty on a person or entity for



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

3 (2) For immigration enforcement purposes or activities
4 protected by the First Amendment of the United States
5 Constitution:

6 (A) Providing transportation, detention space,
7 security, perimeter control, or access to
8 nonpublic areas; or

9 (B) Directly participating in questioning, stops,
10 detentions, or arrests.

11 "At or near" means within two hundred feet of, or within
12 the boundaries of, a school, health facility, place of worship,
13 or courthouse, including adjacent sidewalks, parking areas, and
14 access routes. "At or near" includes circumstances where
15 federal immigration agents are positioned to observe, question,
16 stop, detain, or arrest persons entering, leaving, or present at
17 the location.

18 "Exceeds their law enforcement duty or authority" means
19 conduct by a federal immigration agent that is outside the scope
20 of authority granted by federal law or not supported by a
21 judicial warrant or court order, including actions that a



1 reasonable law enforcement officer would understand to be
2 inconsistent with applicable constitutional requirements based
3 on objective, articulable facts known at the time. "Exceeds
4 their law enforcement duty or authority" does not include a
5 requirement that a law enforcement officer make a final
6 determination of federal authority.

7 "Facilitate" means to make easier or enable an operation
8 for the purposes of civil immigration enforcement or that seeks
9 to identify, arrest, or impose any other criminal or civil
10 penalty on a person or entity for activities protected by the
11 First Amendment of the United States Constitution by providing
12 or allowing the use of time, money, facilities, property,
13 equipment, vehicles, personnel, databases, surveillance
14 technology, communications systems, or other resources, or by
15 sharing nonpublic information not otherwise available to the
16 public, except as required by federal law.

17 "Federal immigration agent" means an officer, agent, or
18 employee of the United States or any federal agency whose duties
19 include the enforcement of federal immigration law, including
20 United States Immigration and Customs Enforcement, United States



1 Customs and Border Protection, and the Department of Homeland
2 Security, and any person acting under their direction.

3 "Law enforcement officer" means any employee or official of
4 the State or a county who is authorized by law to enforce
5 criminal or traffic laws, including a police officer, sheriff,
6 deputy sheriff, or conservation and resources enforcement
7 officer, and any other person acting in a law enforcement
8 capacity for the State or a county."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect on July 1, 3000.



Report Title:

State Agencies; Law Enforcement; Federal Immigration Agents; Assistance; Prohibition; First Amendment; Immigration Enforcement

Description:

Prohibits law enforcement officers from using any personnel or funds originating in the State to assist or facilitate conduct by federal immigration agents that is for the purposes of civil immigration enforcement or exceeds their law enforcement duty or authority. Prohibits law enforcement officers from assisting or cooperating with or allowing resources to be used to facilitate federal immigration agents engaged in operations with the purpose of civil immigration enforcement or that target individuals or entities engaged in certain activities. Effective 7/1/3000. (HD2)

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