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# 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, personnel, or  
15 other resources to be used to facilitate federal immigration  
16 agents in an operation with the purpose of civil immigration



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

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

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

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

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

14 (2) Compliance with a judicial warrant, court order, or  
15 subpoena; or

16 (3) The provision of information or assistance expressly  
17 required by federal law or state law, including any  
18 mandatory information-sharing duty.

19 (d) For the purposes of this section:

20 "Activities protected by the First Amendment of the United  
21 States Constitution" includes:



- 1        (1) Nonviolent speech, assembly, and protest, including  
2        marches, rallies, vigils, and demonstrations;
- 3        (2) Recording, photographing, or livestreaming law  
4        enforcement activity in a public place; provided that  
5        the person does not physically interfere with lawful  
6        law enforcement activity; and
- 7        (3) Verbal criticism of, or speaking to, law enforcement  
8        officers, including speech that is impolite,  
9        offensive, or profane; provided that the conduct does  
10       not constitute a true threat or otherwise violate any  
11       law.

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

19       "Assist" means to provide operational support to a federal  
20       immigration agent, including:



1       (1) Helping plan, coordinate, staff, or execute an  
2       immigration enforcement operation; or

3       (2) For immigration enforcement purposes:

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

7           (B) Directly participating in questioning, stops,  
8           detentions, or arrests.

9       "Exceeds their law enforcement duty or authority" means  
10       conduct by a federal immigration agent that is outside the scope  
11       of authority granted by federal law or not supported by a  
12       judicial warrant or court order, including actions that a  
13       reasonable law enforcement officer would understand to be  
14       inconsistent with applicable constitutional requirements based  
15       on objective, articulable facts known at the time. The term  
16       "exceeds their law enforcement duty or authority" does not  
17       include a requirement that a law enforcement officer make a  
18       final determination of federal authority.

19       "Facilitate" means to make easier or enable an immigration  
20       enforcement operation by providing or allowing the use of time,  
21       money, facilities, property, equipment, vehicles, personnel,



1 databases, surveillance technology, communications systems, or  
2 other resources, or by sharing nonpublic information not  
3 otherwise available to the public, except as required by federal  
4 law.

5 "Federal immigration agent" means an officer, agent, or  
6 employee of the United States or any federal agency whose duties  
7 include the enforcement of federal immigration law, including  
8 United States Immigration and Customs Enforcement, United States  
9 Customs and Border Protection, and the Department of Homeland  
10 Security, and any person acting under their direction.

11 "Law enforcement officer" means any employee or official of  
12 the State or a county who is authorized by law to enforce  
13 criminal or traffic laws, including a police officer, sheriff,  
14 deputy sheriff, or conservation and resources enforcement  
15 officer, and any other person acting in a law enforcement  
16 capacity for the State or a county."

17 SECTION 2. New statutory material is underscored.

18 SECTION 3. This Act shall take effect on July 1, 2050.



**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 for activities protected by the First Amendment of the United States Constitution or immigration enforcement operations. Effective 7/1/2050. (SD2)

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

