
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 requiring law
2 enforcement officers to be identifiable is fundamental to
3 democratic values and promotes transparency and accountability
4 to the public those officers serve. The legislature further
5 finds that limiting the use of face coverings by law enforcement
6 officers, except under specified circumstances, will improve
7 public trust.

8 Accordingly, the purpose of this Act is to establish the
9 offense of use of a mask or facial covering by a law enforcement
10 officer.

11 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
12 amended by adding a new section to be appropriately designated
13 and to read as follows:

14 "§710- Use of a mask or facial covering by a law
15 enforcement officer. (1) A person commits the offense of use
16 of a mask or facial covering by a law enforcement officer if the
17 person:



1 (a) Is a law enforcement officer; and
2 (b) Wears a mask or facial covering that conceals or
3 obscures the person's facial identity while
4 interacting with the public in the performance of the
5 law enforcement officer's duties.

6 (2) This section shall not apply to a law enforcement
7 officer who is:

8 (a) Engaged in an authorized undercover assignment or
9 operation or conducting related duties in support of
10 an undercover assignment or operation; or

11 (b) Within the eyesight of another officer from the same
12 law enforcement agency who is unmasked.

13 (3) Use of a mask or facial covering by a law enforcement
14 officer shall be a misdemeanor.

15 (4) For the purposes of this section:

16 "Law enforcement agency" means any county police
17 department, the department of law enforcement, the department of
18 the attorney general, the division of conservation and resources
19 enforcement of the department of land and natural resources, and
20 any federal, state, or county public body that employs law
21 enforcement officers.



1 "Mask or facial covering" means any opaque mask, garment,
2 helmet, headgear, or other item that conceals or obscures the
3 facial identity of an individual. "Mask or facial covering"
4 does not include:

5 (a) A medical grade mask that is surgical or an N95
6 respirator designed to prevent the transmission of
7 airborne diseases;

8 (b) Equipment necessary for weather or underwater
9 protection;

10 (c) A mask designed to protect against exposure to smoke
11 during a state of emergency related to a wildfire;

12 (d) Protective gear used by law enforcement officers
13 necessary to safely perform official duties as a
14 member of the specialized services division, a special
15 weapons and tactics team, or a special response team;

16 (e) A face shield if the face shield does not conceal or
17 obscure the wearer's face; and

18 (f) A motorcycle helmet when worn by a law enforcement
19 officer while in the performance of the officer's
20 duties and utilizing a motorcycle or other vehicle
21 that requires a helmet for safe operation; provided



1 that the law enforcement officer shall remove the
2 helmet before and after operating the motorcycle or
3 vehicle as soon as reasonably practicable.

4 "Motorcycle" has the same meaning as defined in section
5 291C-1."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. If any provision of this Act, or the
10 application thereof to any person or circumstance, is held
11 invalid, the invalidity does not affect other provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application, and to this end the provisions
14 of this Act are severable.

15 SECTION 5. New statutory material is underscored.

16 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Penal Code; Law Enforcement; Mask; Facial Covering; Prohibition;
Criminal Offense

Description:

Establishes the offense of use of a mask or facial covering by a
law enforcement officer. Effective 7/1/3000. (HD1)

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not legislation or evidence of legislative intent.*

