
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. However, federal agents
5 have recently begun using facial coverings during immigration
6 raids, which undermines public trust and leads the public to
7 question whether the officers are legitimate law enforcement
8 officers and not unlawful impersonators. Prohibiting the use of
9 face masks unless certain conditions are met will improve public
10 trust by drawing a sharp distinction between legitimate law
11 enforcement and the perception of secret police tactics used by
12 federal agents under the Trump administration.

13 Accordingly, the purpose of this Act is to establish the
14 offense of use of a mask or facial covering by a law enforcement
15 officer.



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

4 "§710- Use of a mask or facial covering by a law
5 enforcement officer. (1) A person commits the offense of use
6 of a mask or facial covering by a law enforcement officer if the
7 person:

8 (a) Is a law enforcement officer; and

9 (b) Wears a mask or facial covering that conceals or
10 obscures the person's facial identity while
11 interacting with the public in the performance of the
12 law enforcement officer's duties.

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

15 (a) Engaged in an authorized undercover assignment or
16 operation or conducting related duties in support of
17 an undercover assignment or operation; or

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

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



1 (4) For the purposes of this section:

2 "Law enforcement agency" means any county police
3 department, the department of law enforcement, the department of
4 the attorney general, the division of conservation and resources
5 enforcement of the department of land and natural resources, and
6 any federal, state, or county public body that employs law
7 enforcement officers or other sworn personnel.

8 "Law enforcement officer" means any officer of a local,
9 state, or federal law enforcement agency, or any person acting
10 on behalf of a local, state, or federal law enforcement agency.

11 "Mask or facial covering" shall not include:

12 (a) A medical grade mask that is surgical or an N95
13 respirator designed to prevent the transmission of
14 airborne diseases;

15 (b) Equipment necessary for weather or underwater
16 protection;

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

19 (d) Protective gear used by law enforcement officers
20 necessary to safely perform official duties as a



1 member of the specialized services division, a special
2 weapons and tactics team, or a special response team;
3 (e) A face shield if the face shield does not conceal or
4 obscure the wearer's face; and
5 (f) A motorcycle helmet when worn by an officer while in
6 the performance of the officer's duties and utilizing
7 a motorcycle or other vehicle that requires a helmet
8 for safe operation; provided that the law enforcement
9 officer shall remove the mask or facial covering
10 before and after operating the motorcycle or vehicle
11 as soon as reasonably practicable.

12 "Motorcycle" has the same meaning as defined in section
13 291C-1."

14 SECTION 3. 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 4. If any provision of this Act, or the
18 application thereof to any person or circumstance, is held
19 invalid, the invalidity does not affect other provisions or
20 applications of the Act that can be given effect without the



1 invalid provision or application, and to this end the provisions
2 of this Act are severable.

3 SECTION 5. New statutory material is underscored.

4 SECTION 6. This Act shall take effect on March 22, 2075.



S.B. NO. 2203
S.D. 2

Report Title:

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

Description:

Establishes the offense of use of a mask or facial covering by a
law enforcement officer. Effective 3/22/2075. (SD2)

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not legislation or evidence of legislative intent.*

