

JAN 28 2026

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# A BILL FOR AN ACT

RELATING TO GOVERNMENT ACTIONS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the residents of  
2 Hawaii depend on public schools, health care facilities, courts,  
3 and other government services. In 2024, Hawaii's population was  
4 estimated at 1,446,146, with 18.1 per cent being foreign-born  
5 and 25.1 per cent aged five and older speaking a language other  
6 than English at home. During the 2024-2025 school year, 165,340  
7 students were enrolled in department of education public schools  
8 and public charter schools, highlighting the importance of  
9 accessible institutions for all families.

10           The legislature further finds that certain civil  
11 immigration enforcement practices, such as unidentifiable  
12 personnel, unclear authority, and lack of transparency,  
13 undermine public trust and deter access to essential services.  
14 With 20.3 per cent of residents in the State under the age of  
15 eighteen, protecting families' ability to safely attend school,  
16 seek care, access justice, and obtain protection is a core  
17 governmental responsibility.





1 gaiter, ski mask, and any similar type of facial covering or  
2 face-shielding item.

3 "Facial covering" shall not include:

4 (1) A translucent face shield or clear mask that does not  
5 conceal the wearer's facial identity and is used in  
6 compliance with applicable law;

7 (2) A N95 medical mask or surgical mask to protect against  
8 transmission of disease or infection, or any other  
9 mask, helmet, or device, including air-purifying  
10 respirators, full or half masks, or self-contained  
11 breathing apparatus necessary to protect against  
12 exposure to any toxin, gas, smoke, inclement weather,  
13 or any other hazardous or harmful environmental  
14 condition;

15 (3) A mask, helmet, or device, including a self-contained  
16 breathing apparatus, necessary for underwater use;

17 (4) A motorcycle helmet when worn by a law enforcement  
18 officer using a motorcycle or other vehicle that  
19 requires a helmet for safe operations while in the  
20 performance of the officer's duties; and



1 (5) Eyewear necessary to protect from the use of retinal  
2 weapons, including lasers.

3 "Law enforcement agency" includes any law enforcement  
4 agency of the State, a county, another state of the United  
5 States, or the federal government.

6 "Law enforcement officer" includes any law enforcement  
7 officer of the State, a county, another state of the United  
8 States, or the federal government.

9 "Visibly identifiable" means for a law enforcement officer  
10 to have the officer's face unobscured and the officer's name or  
11 badge or other unique identifier displayed in a visible manner.

12 § -2 **Law enforcement officer; visibly identifiable.** (a)  
13 Any law enforcement officer acting under color of law in a  
14 public space or on state or county property shall remain visibly  
15 identifiable at all times.

16 (b) The exceptions to the requirements of subsection (a)  
17 shall be limited to:

18 (1) Bona fide, active undercover operations or assignments  
19 authorized by supervising personnel or court order; or

20 (2) Masking for medical or health reasons that is properly  
21 documented.



1           §   -3   **Law enforcement officers; facial coverings;**  
2 **prohibited.** No law enforcement officer shall wear a facial  
3 covering that conceals or obscures the officer's face in the  
4 performance of the officer's duties, except as expressly  
5 authorized in this chapter.

6           §   -4   **Law enforcement apparel and vehicles; markings.**

7       (a) During the performance of their duties, law enforcement  
8 officers shall:

9           (1) Wear apparel; and

10          (2) Use vehicles,

11 that bear conspicuous markings of the applicable law enforcement  
12 agency.

13       (b) The exceptions to the requirements of subsection (a)  
14 shall be limited to bona fide, active undercover operations  
15 authorized by court order.

16           §   -5   **Civil law enforcement activity; state or county**

17 **participation; state or county property.** All civil law  
18 enforcement activity that:

19       (1) Involves participation by law enforcement officers of  
20 the State or a county; or

21       (2) Occurs on state or county property,



1 shall be conducted in a manner that proceeds on documented,  
2 reviewable legal authority and protects due process and judicial  
3 oversight.

4 § -6 **Penalties; remedies.** (a) Any wilful and knowing  
5 violation of sections -1 through -4 by a law enforcement  
6 officer shall be punishable as a misdemeanor.

7 (b) Notwithstanding any other law, any law enforcement  
8 officer who is found to have committed an assault, battery,  
9 false imprisonment, false arrest, abuse of process, or malicious  
10 prosecution against another individual, while wearing a facial  
11 covering in a wilful and knowing violation of this chapter,  
12 shall not be entitled to assert any privilege or immunity for  
13 the officer's tortious conduct against a claim of civil  
14 liability, and shall be liable to that other individual for:

15 (1) Actual damages; or

16 (2) Statutory damages of not less than ten thousand  
17 dollars,

18 whichever is greater.

19 § -7 **Rules.** The department of law enforcement and  
20 police department of each county shall adopt rules pursuant to  
21 chapter 91 to implement this chapter."



1 SECTION 3. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

4 "CHAPTER  
5 CIVIL IMMIGRATION ACTIONS; POLICIES AND PROCEDURES; ENFORCEMENT  
6 ACTIVITY; DATA

7 § -1 **Service-first spaces.** All judicial facilities;  
8 educational institutions, including schools and early-learning  
9 facilities; medical and health facilities; and homeless shelters  
10 shall be deemed service-first spaces and shall have clear,  
11 narrowly tailored procedures with respect to civil immigration  
12 actions.

13 § -2 **State and county agencies; immigration-related**  
14 **personal data; interagency data exchanges; reporting.** (a) All  
15 state and county agencies shall adopt policies that limit the  
16 collection, retention, and sharing of immigration-related  
17 personal data, unless otherwise required by law.

18 (b) All interagency data exchanges between state agencies,  
19 county agencies, or state and county agencies shall operate  
20 under auditable agreements.



1 (c) At least once per year, all state and county agencies  
2 shall report to the legislature and governor regarding the  
3 number of civil-immigration-related requests for assistance or  
4 inquiries that they have received from law enforcement agencies,  
5 including federal agencies, during the previous calendar year.

6 § -3 **State and county agencies; immigration-based**  
7 **harassment or threats; policies.** No later than \_\_\_\_\_,  
8 every state and county agency shall adopt a policy that  
9 prohibits immigration-based harassment or threats, including  
10 unwarranted verification of an individual's immigration status  
11 or history, with respect to employment or the provision of  
12 services to the public.

13 § -4 **State and county law enforcement officers; body**  
14 **cameras; United States Immigration and Customs Enforcement**  
15 **activity; violation; rules.** (a) Upon being notified of any  
16 immigration enforcement activity by United States Immigration  
17 and Customs Enforcement agents, state and county law enforcement  
18 officers shall monitor such activity by activating their body  
19 cameras when present in a situation in which United States  
20 Immigration and Customs Enforcement agents are interacting with  
21 a member of the general public.



1 (b) Any wilful and knowing violation of this section by a  
2 law enforcement officer shall be punishable as a misdemeanor.

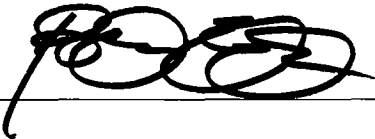
3 (c) The department of law enforcement and police  
4 department of each county shall adopt rules pursuant to chapter  
5 91 to implement this section."

6 SECTION 4. 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 5. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

A handwritten signature in black ink, consisting of several loops and flourishes, is written over a horizontal line.

# S.B. NO. 3265

**Report Title:**

Law Enforcement; Identifiability; Reviewability; Immigration Actions; Policies; Enforcement Activity; Data

**Description:**

Requires any law enforcement officer acting under color of law in a public space or on state or county property to remain visibly identifiable. Prohibits law enforcement officers from wearing facial coverings while performing their duties, with certain exceptions. Requires law enforcement officers to wear apparel and use vehicles that bear conspicuous markings of the applicable law enforcement agency. Requires all civil law enforcement activity that involves participation by state or county law enforcement officers or occurs on state or county property to be conducted in a manner that adheres to specified standards. Deems certain locations to be service-first spaces and requires them to have clear, narrowly tailored procedures with respect to civil immigration actions. Requires all state and county agencies to adopt policies that limit the collection, retention, and sharing of immigration-related personal data. Requires all interagency data exchanges between state agencies, county agencies, or state and county agencies to operate under auditable agreements. Requires all state and county agencies to report annually to the Legislature and Governor regarding the civil-immigration-related requests. Requires every state and county agency to adopt a policy that prohibits immigration-based harassment or threats, including unwarranted verification of an individual's immigration status, with respect to employment or the provision of services to the public. Requires all state and county law enforcement officers to monitor civil immigration enforcement activity by activating body cameras when present in a situation in which United States Immigration and Customs Enforcement agents are interacting with a member of the general public.

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

