
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, according to the
2 American Immigration Council, Hawaii is home to approximately
3 258,000 immigrants, comprising eighteen per cent of the State's
4 population. About thirty thousand of these foreign-born
5 individuals are believed to be undocumented. The legislature
6 recognizes that the State is justifiably proud of its rich
7 immigrant heritage, which is reflected in a valued tapestry of
8 races, ancestral groups, religions, cultures, and languages from
9 people throughout the world. Accordingly, it is necessary to
10 establish clear policies and limits on federal immigration
11 enforcement occurring within the State. This includes upholding
12 due process and judicial oversight standards; restricting
13 immigration enforcement activity from occurring in sensitive
14 places such as schools, health care facilities, and places of
15 worship; and prohibiting state law enforcement agencies and
16 officers from engaging in certain immigration enforcement
17 activities.



- 1 Accordingly, the purpose of this Act is to:
- 2 (1) Establish provisions limiting state and federal
- 3 collaboration for purposes of immigration enforcement
- 4 operations;
- 5 (2) Require state and county law enforcement agencies to
- 6 establish and publicly post written policies regarding
- 7 civil immigration enforcement;
- 8 (3) Prohibit law enforcement officers from initiating or
- 9 prolonging a stop, detention, or arrest of a person
- 10 for the purpose of determining the person's civil
- 11 immigration status, except under certain
- 12 circumstances;
- 13 (4) Prohibit state and county involvement in civil
- 14 immigration enforcement activity in certain locations;
- 15 and
- 16 (5) Require the department of law enforcement to assist
- 17 state and county agencies in maintaining compliance
- 18 with the civil immigration enforcement policy.

19 SECTION 2. The Hawaii Revised Statutes is amended by

20 adding a new chapter to be appropriately designated and to read

21 as follows:



1 "CHAPTER

2 STATE AND FEDERAL COLLABORATION

3 § -1 **Definitions.** As used in this chapter:

4 "Federal authorities" means any federal agency or
5 department.

6 "Federal law enforcement officer" means any employee of the
7 United States government authorized to arrest a person for civil
8 or criminal violations of federal law and who is authorized to
9 carry a firearm in the performance of their official duties.

10 "Immigration enforcement operation" means any operation
11 that has as its main objective the identification or
12 apprehension of a person or persons for purposes of civil
13 immigration detention, removal or deportation proceedings, or
14 criminal prosecution for offenses related to immigration status.

15 "Law enforcement agency" has the same meaning as in section
16 139-1.

17 "Law enforcement officer" has the same meaning as in
18 section 139-1.

19 "Legal assistance" means legal advice or representation
20 provided by an attorney or an individual under the direct
21 supervision of an attorney.



1 "Personal information" means any information that is linked
2 or reasonably linkable, alone or in combination with other
3 information, to an identified or identifiable individual, or a
4 device that identifies or is linked or reasonably linkable to an
5 individual, including geolocation.

6 "Public employee" means any nominated, appointed, or
7 elected officer or employee of the State or any county,
8 including the political subdivisions and agencies thereof, any
9 employee under contract with the State or any county, and any
10 probationary or provisional employee of the State or county.

11 § -2 **Limitation on state and federal collaboration;**
12 **constitutionally protected activity; immigration enforcement.**

13 (a) Except as provided by federal or state law, no state
14 department or agency shall use funds appropriated by the
15 legislature or state public funds to assist or facilitate
16 federal authorities or federal law enforcement officers in
17 conduct that exceeds the statutorily enumerated duties and
18 authority of the federal authorities or federal law enforcement
19 officers.

20 (b) Except as required by federal or state law, no public
21 employee acting in their official capacity shall assist or



1 cooperate with, or allow any time, money, facilities, property,
2 equipment, personnel, or other resources to be used to assist,
3 cooperate with, or facilitate any operation executed in whole or
4 part by federal authorities or out-of-state authorities that
5 seeks to identify, arrest, or otherwise impose:

6 (1) A penalty or civil or criminal liability upon a person
7 or entity based on their participation in activities
8 protected by the First Amendment of the United States
9 Constitution or state constitution; or

10 (2) A penalty upon a person for purposes of federal
11 immigration enforcement, including an immigration
12 enforcement operation occurring at or near a school,
13 early-learning site, institution of higher education,
14 including a university of Hawaii campus, health care
15 facility, emergency or domestic violence shelter,
16 courthouse, or place of worship.

17 § -3 **Limitation on state deputization.** A public
18 employee or law enforcement officer shall not request assistance
19 from a federal law enforcement officer for the enforcement of
20 state laws regarding check points, screenings, or motor vehicle
21 traffic stops.



1 § -4 **Agreements for criminal law enforcement.** (a) If a
2 law enforcement agency enters into an agreement with federal
3 authorities for the purpose of criminal law enforcement, the
4 agreement shall be in writing and shall not authorize the
5 participation of federal law enforcement officers or federal
6 authorities in checkpoints, screenings, or motor vehicle traffic
7 stops conducted at the direction, or with the assistance, of a
8 law enforcement agency or law enforcement officer.

9 (b) Any agreement under subsection (a) shall not exceed
10 two years and shall include a requirement for the training of
11 involved federal law enforcement officers on state
12 constitutional and statutory civil rights protections. Any
13 agreement shall be subject to review and approval by the
14 attorney general.

15 § -5 **Task force; prohibition.** (a) No public employee,
16 law enforcement agency, or law enforcement officer shall take
17 part in or seek to enter an agreement with federal authorities
18 or out-of-state authorities for the purposes of collecting
19 personal information or providing assistance with surveillance,
20 investigations, or prosecution or an immigration enforcement
21 operation, including a joint federal-state operation such as a



1 federal Department of Homeland Security task force, fusion
2 center, or joint terrorism task force, if the public employee,
3 law enforcement agency, or law enforcement officer has reason to
4 believe the agreement would result in:

- 5 (1) Conduct that amounts to a violation of individual
6 liberties and rights guaranteed under the United
7 States Constitution or Hawaii State Constitution,
8 including racial profiling, unlawful surveillance or
9 investigation, excessive use of force, or unlawful
10 detention;
- 11 (2) Conduct that seeks to identify, apprehend, arrest, or
12 impose civil or criminal liability or other penalties
13 upon a person or entity for:
- 14 (A) Engaging in protected activities, including
15 assembly, petitioning, and speech;
- 16 (B) The provision of humanitarian assistance, legal
17 assistance, or other aid to benefit an
18 individual;
- 19 (C) Civil immigration detention, removal, or
20 deportation proceedings;
- 21 (D) Offenses related to immigration status; or



1 (E) Nonfederal misdemeanors and violations, including
2 motor vehicle offenses and traffic violations; or

3 (3) An attempt to obtain data from a law enforcement
4 agency, conduct surveillance, or investigate domestic
5 terrorism and organized political violence in
6 furtherance of the objectives of National Security
7 Presidential Memorandum-7.

8 (b) Before the renewal or establishment of a new
9 agreement, the law enforcement agency shall seek and receive
10 written approval from the attorney general that the agreement is
11 in compliance with applicable state laws.

12 § -6 **Safe harbor; good faith compliance.** No public
13 employee or law enforcement officer shall be subject to
14 discipline, retaliation, or civil liability for an act or
15 omission taken in good faith when attempting to comply with this
16 chapter or when responding to perceived federal authority."

17 SECTION 3. Chapter 139, Hawaii Revised Statutes, is
18 amended by adding a new part to be appropriately designated and
19 to read as follows:

20 "PART . CIVIL IMMIGRATION ENFORCEMENT



1 §139-A Civil immigration enforcement; written policy. (a)

2 By July 1, 2027, each law enforcement agency shall establish and
3 publicly post on its website a written policy regarding civil
4 immigration enforcement in the State.

5 (b) The policy shall provide that:

6 (1) Civil immigration enforcement activity involving state
7 or county participation or facilities shall proceed
8 only on the basis of documented, reviewable legal
9 authority that prioritizes due process and judicial
10 oversight;

11 (2) Civil immigration enforcement activity involving state
12 or county participation shall not be conducted at
13 schools, early-learning sites, institutions of higher
14 education, including university of Hawaii campuses,
15 health care facilities, emergency or domestic violence
16 shelters, courthouses, or places of worship, except in
17 compliance with narrowly tailored procedures for
18 unavoidable civil immigration actions;

19 (3) State and county agencies shall adopt clear limits on
20 the collection, retention, and sharing of
21 immigration-related personal data except as required



1 by law, and any interagency data exchanges shall
2 operate under agreements;

3 (4) Each state or county agency shall periodically report
4 and make publicly available aggregate data on civil
5 immigration requests to or from the agency;

6 (5) Threats to report a person's immigration status, or
7 the misuse of immigration-status verification, shall
8 be treated as prohibited retaliation in workplaces and
9 in the provision of public services pursuant to
10 federal and state law; and

11 (6) When notified of United States Immigration and Customs
12 Enforcement activity, each state and county law
13 enforcement agency shall require any officer who is
14 already present at the scene at the time of the
15 notification to use a body-worn camera to monitor the
16 United States Immigration and Customs Enforcement
17 agents' interactions with the public.

18 **§139-B Civil immigration status inquiries; documentation;**

19 **limitations.** (a) No law enforcement officer shall initiate or
20 prolong a stop, detention, or arrest of a person for the purpose
21 of determining the person's civil immigration status unless the



1 officer has reasonable suspicion, based on specific and
2 articulable facts, that the person is unlawfully present in the
3 United States and the inquiry is otherwise authorized by state
4 law and the agency's written policy.

5 (b) Reasonable suspicion under subsection (a) shall not be
6 based solely on race, color, ethnicity, national origin,
7 ancestry, language, accent, religion, manner of dress, presence
8 in a particular location, or the exercise of rights protected by
9 the United States Constitution."

10 SECTION 4. Chapter 353C, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§353C- Restrictions on voluntary consent for entry
14 relating to constitutionally protected activity and civil
15 immigration enforcement; compliance assistance. (a) No state or
16 county employee or agent shall provide voluntary consent
17 permitting a law enforcement agent to enter a nonpublic area of
18 a school, early learning site, institution of higher education,
19 including a university of Hawaii campus, health care facility,
20 emergency or domestic violence shelter, courthouse, or place of
21 worship for the purpose, or in furtherance, of an operation



1 executed in whole or part by federal authorities or out-of-state
2 authorities that seeks to:

3 (1) Identify or impose civil or criminal liability upon a
4 person or entity based on their participation in
5 activities protected by the First Amendment of the
6 United States Constitution or state constitution; or

7 (2) Identify, arrest, or otherwise impose a penalty upon a
8 person for purposes of federal immigration
9 enforcement, including an immigration enforcement
10 operation.

11 (b) The department shall assist state and county agencies
12 in maintaining compliance with this section and the civil
13 immigration enforcement policy provisions under section 139-
14 A(b) (1) and (2).

15 (c) This section shall not prevent compliance with a valid
16 judicial warrant authorizing entry or entry under exigent
17 circumstances."

18 SECTION 5. Chapter 139, Hawaii Revised Statutes, is
19 amended by designating sections 139-1 to 139-13 as part I,
20 entitled "General Provisions".



1 SECTION 6. In codifying the new sections added by section
2 3 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

5 SECTION 7. If any provision of this Act, or the
6 application thereof to any person or circumstance, is held
7 invalid, the invalidity does not affect other provisions or
8 applications of the Act that can be given effect without the
9 invalid provision or application, and to this end the provisions
10 of this Act are severable.

11 SECTION 8. New statutory material is underscored.

12 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

DLE; State and Federal Collaboration; Civil Immigration Enforcement; Law Enforcement Officers; Law Enforcement Agencies; Written Policies; Detention; Civil Immigration Status

Description:

Establishes provisions limiting state and federal collaboration for purposes of immigration enforcement operations. Requires state and county law enforcement agencies to establish and publicly post written policies regarding civil immigration enforcement. Prohibits law enforcement officers from initiating or prolonging a stop, detention, or arrest of a person for the purpose of determining the person's civil immigration status, except under certain circumstances. Prohibits state and county involvement in civil immigration enforcement activity in certain locations. Requires the Department of Law Enforcement to assist state and county agencies in maintaining compliance with the civil immigration enforcement policy. Effective 7/1/3000.
(HD2)

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

