

STAND. COM. REP. NO. **3294**

Honolulu, Hawaii

**MAR 30 2026**

RE: H.B. No. 1839  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs, to which was referred H.B. No. 1839, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IMMIGRATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require state and county law enforcement agencies to notify an individual in the custody of a state or county law enforcement agency of their rights before any interview with federal immigration authorities pertaining to certain matters regarding civil immigration violations can commence;
- (2) Designate all records relating to federal immigration authorities access to detained individuals provided by a state or local law enforcement agency as government records; and
- (3) Require state and county law enforcement agencies that have provided federal immigration authorities access to a detained individual within the previous year to hold two public forums per year.



Your Committees received testimony in support of this measure from Pride at Work - Hawai'i, Kona Indivisible, Aloha Independent Living Hawaii, ACLU Hawai'i, Public First Law Center, The Legal Clinic, League of Women Voters of Hawaii, Hawai'i Coalition for Immigrant Rights, Roots Reborn, and forty-six individuals.

Your Committees received testimony in opposition to this measure from the Hawaii Police Department and two individuals.

Your Committees received comments on this measure from the Office of Information Practices.

Your Committees find that Immigration and Customs Enforcement (ICE) often places detainers on individuals held in the custody of local and state law enforcement agencies, formally requesting those local and state agencies to hold detainees beyond their scheduled release time. These detainers allow ICE agents to interview or even assume custody of a detainee in local or state custody, even when the detainee has no criminal convictions. Data on ICE detainers reveal the practice to be widespread in the State, with over one hundred thirty detainers placed on individuals in the State between October 2023 and October 2025. Your Committees further find that compliance with detainers is discretionary and detainers have raised concerns about constitutional violations and potential liability exposure because they may result in unlawful detention without probable cause or judicial warrants. This measure ensures that the rights of individuals subject to ICE detainers are protected, to not only shield the State from future claims of unlawful detention, but also maintain public trust in the State's law enforcement agencies.

Your Committees have amended this measure by:

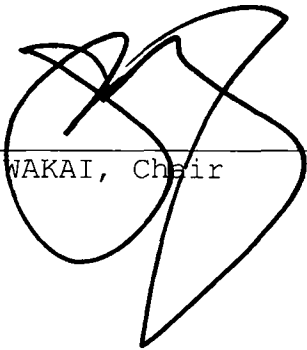
- (1) Clarifying that a law enforcement agency shall provide a written consent form that explains an individual's right to have an attorney present if the individual is represented;
- (2) Clarifying that all records relating to a federal immigration authority's access to a detained individual provided by law enforcement agency are government records, rather than public records;



- (3) Removing an exemption to the Uniform Information Practices Act for records relating to a federal immigration authority's access to a detained individual;
- (4) Specifying that a "federal immigration authority" includes any federal agency or component that is authorized to conduct civil immigration interviews under federal law;
- (5) Amending section 1 to reflect its amended purpose;
- (6) Inserting an effective date of July 1, 2055, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 1839, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 1839, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Public Safety and  
Military Affairs and Energy and  
Intergovernmental Affairs,


  
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GLENN WAKAI, Chair

  
\_\_\_\_\_  
CAROL FUKUNAGA, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Military Affairs**  
**PSM**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 1839 HD2	PSM/E14, JD4/WAM	3/23/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
LEE, Chris (VC)	✓			
HASHIMOTO, Troy N.	✓			
INOUYE, Lorraine R.			✓	✓
DECORTE, Samantha			✓	
<b>TOTAL</b>	<b>3</b>		<b>1</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink File with Committee Report     Committee     Drafting Agency				

\*Only one measure per Record of Votes

The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Energy and Intergovernmental Affairs**  
**EIG**

Bill / Resolution No.:* <b>HB1839, HD2</b>	Committee Referral: <b>PSM/EIG, JDC/WAM</b>	Date: <b>3/23/26</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
  Hold 2310    
  Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
CHANG, Stanley (VC)	✓			
DECOITE, Lynn			✓	
RICHARDS, III, Herbert M. "Tim"		✓		
FEVELLA, Kurt			✓	
<b>TOTAL</b>	<b>2</b>	<b>1</b>	<b>2</b>	

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature: 

Distribution:    
           Original                            Yellow                            Pink  
           File with Committee Report     Committee                    Drafting Agency

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