

Honolulu, Hawaii

MAR 06 , 2026

RE: H.B. No. 2540
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2540, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish provisions limiting federal and state collaboration for purposes of immigration enforcement operations;
- (2) Require law enforcement agencies operating in the State to establish and publicly post written policies regarding civil immigration enforcement;
- (3) Prohibit 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;
- (4) Establish as a policy of the Department of Law Enforcement that civil immigration activity involving state or county participation or facilities shall only proceed under certain conditions;



- (5) Prohibit state and county involvement in civil immigration enforcement activity in certain locations; and
- (6) Require the Department of Law Enforcement to assist state and county agencies in maintaining compliance with civil immigration enforcement policy.

Your Committee received testimony in support of this measure from the Office of the Public Defender; one member of the Hawai'i County Council; Mercado de La Raza; Stonewall Caucus of the Democratic Party of Hawai'i; University of Hawaii Professional Assembly; Faith Action for Community Equity; Na Kama Kai; Imua Alliance; Indivisible; Maui Roots Reborn; El Pueblo en Acción Maui; League of Women Voters of Hawai'i; UNITE HERE Local 5; Hawai'i Coalition for Immigrant Rights; American Civil Liberties Union of Hawai'i; Indivisible Hilo; Hawaii Filipino Lawyers Association; Green Party of Hawai'i; The Legal Clinic; and numerous individuals. Your Committee received testimony in opposition to this measure from the Kaua'i Police Department and one individual.

Your Committee finds that Hawaii's diverse immigrant communities face heightened fear and confusion when state or county resources appear intertwined with federal civil immigration enforcement, which can erode public trust and discourage residents from seeking essential services or assistance. Your Committee further finds that inconsistent practices among law enforcement agencies regarding inquiries into civil immigration status have created uncertainty for officers and the public, increasing the risk of unconstitutional actions and unnecessary escalation during encounters. Your Committee believes that establishing statewide limits, safeguards, and transparent policies regarding civil immigration enforcement will promote due process, strengthen community trust in law enforcement, and provide clear guidance that protects public safety and civil rights.

Your Committee has amended this measure by:

- (1) Clarifying the scope of the prohibition on civil immigration enforcement activities involving state or county participation, and on state or county employees or agents assisting or cooperating with federal authorities, including the activities covered, the protected locations, and the prohibition on providing



voluntary consent to enter nonpublic areas of those locations;

- (2) Clarifying the scope of the prohibition on public employees, law enforcement agencies, and law enforcement officers entering into agreements with federal or out-of-state authorities by specifying that the prohibition applies to agreements involving the collection of personal information, rather than the sharing of personal information;
- (3) Inserting a safe harbor provision to ensure that no public employee or law enforcement officer shall be subject to discipline, retaliation, or civil liability solely for an act or omission taken in good faith while attempting to comply with the law or while responding to perceived federal authority;
- (4) Narrowing the scope and application of civil immigration enforcement policies by removing references to federal agencies and officers;
- (5) Amending the written policy requirements regarding civil immigration enforcement in the State;
- (6) Clarifying the reasonable-suspicion standard governing civil immigration status inquiries to delete reference to the Hawaii State Constitution; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2540, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2540, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

A handwritten signature in black ink that reads "David Tarnas". The signature is written in a cursive, flowing style.

DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <i>HB 2540 HDI</i>	Committee Referral: <i>ECD, JHA</i>	Date: <i>2/25/2026</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. POEPOE, Mahina (VC)	✓			
3. BELATTI, Della Au				✓
4. COCHRAN, Elle	✓			
5. HASHEM, Mark J.	✓			
6. KAHALOA, Kirstin	✓			
7. SAYAMA, Jackson D.	✓			
8. TAKAYAMA, Gregg	✓			
9. GARCIA, Diamond			✓	
10. SHIMIZU, Garner M.			✓	
TOTAL (10)	<i>7</i>	<i>0</i>	<i>2</i>	<i>1</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				