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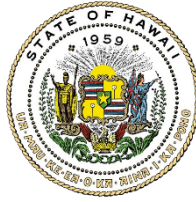
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**April 6, 2026**

**HB 2540, HD2, SD1: RELATING TO LAW ENFORCEMENT**

**Chair Rhoads, Vice Chair Gabbard and Members of the Committee on Judiciary:**

The Office of the Public Defender (OPD) **supports** HB 2540 HD2 SD1.

As set forth in the bill, Hawai'i is home to approximately 258,000 immigrants - nearly eighteen percent of our State's population. Many of our clients and their families are part of this community. The OPD represents indigent individuals from every racial, ethnic, and cultural background in Hawai'i, including citizens, lawful permanent residents, and undocumented individuals. We see firsthand how fear of immigration consequences can undermine access to justice, discourage cooperation with courts, and erode public trust in the legal system.

This measure establishes thoughtful guardrails to clarify the respective roles of state and federal authorities and to ensure that civil immigration enforcement within Hawai'i proceeds with due process, judicial oversight, and respect for constitutional protections. The bill does not prevent compliance with valid judicial warrants or lawful criminal investigations. Instead, it draws careful boundaries to ensure that state resources are not diverted toward civil immigration enforcement activities that exceed statutory authority or compromise constitutional rights.

**Protecting Constitutional Rights and Preventing Prolonged Stops**

The bill appropriately prohibits law enforcement officers from initiating or prolonging a stop, detention, or arrest for the purpose of determining a person's civil immigration status absent specific and articulable reasonable suspicion and makes clear that such suspicion cannot be based solely on race, ethnicity, language, national origin, or other protected characteristics.

From the OPD's experience, prolonged stops or collateral inquiries into immigration status can lead to coercive encounters, custodial complications, and significant downstream legal consequences particularly for individuals already navigating poverty, language barriers, or limited familiarity with the legal system. Clear statutory limits reduce the risk of unlawful detention and strengthen compliance with both the United States and Hawai'i Constitutions.

### **Requiring Transparent, Written Policies**

By requiring each law enforcement agency to establish and publicly post written policies regarding civil immigration enforcement, the bill promotes transparency, consistency, and accountability. Written policies help ensure uniform standards across counties and agencies and provide guidance to officers in the field. Public accessibility also builds community trust and allows courts to meaningfully evaluate whether actions were consistent with adopted policies and legal authority. For the OPD clients, clarity in enforcement standards can reduce confusion, misinformation, and unnecessary litigation over whether detentions were lawful.

### **Limiting State Participation in Civil Immigration Operations**

The bill limits state and county involvement in civil immigration enforcement operations absent proper legal authority. It further restricts such activity in sensitive locations, including schools, health facilities, courthouses, and places of worship. The OPD strongly supports these provisions. Access to courts, health care, education, and places of worship should not be chilled by fear of immigration enforcement. If individuals fear that appearing in court to answer a summons, serve as a witness, or comply with probation will expose them or their loved ones to immigration action, the administration of justice suffers. Courts function best when individuals can appear freely, without intimidation or deterrence.

### **Maintaining Separation Between Criminal and Civil Enforcement**

The measure clarifies that agreements for criminal law enforcement with federal authorities must be limited in scope, in writing, subject to review, and may not authorize federal participation in certain checkpoints or stops. This preserves the traditional distinction between criminal enforcement, where the State has clear authority and responsibility, and federal civil immigration enforcement. The OPD believes maintaining that distinction is critical. Conflating civil immigration enforcement with routine policing can undermine community cooperation, decrease reporting of crime, and impair effective criminal justice outcomes.

For these reasons, the Office of the Public Defender **supports** HB 2540 HD2 SD1.

Thank you for the opportunity to comment on this measure.



The Senate Committee on Judiciary  
April 7, 2026  
Room 016  
10:15 AM

RE: **HB 2540 HD2 SD1, Relating to Law Enforcement**

Attention: Chair Karl Rhoads, Vice Chair Mike Gabbard, Members of the Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members across Hawai'i's statewide 10-campus system, **supports the intent of HB 2540 HD2 SD1, but respectfully requests amendments to restore critical protections for higher education that were removed in the current draft.**

UHPA strongly supports the bill's overarching goal to establish clear statutory limits on State and Federal collaboration, as well as the restrictions on civil immigration enforcement at sensitive locations. Ensuring that state resources are not used to facilitate federal immigration operations is essential to maintaining a safe, accessible, and trusting educational environment for all students and staff.

#### **Request to Restore the Inclusion of University Campuses**

We are highly concerned that the HD2 SD1 draft, by incorporating the language of SB 3322, stripped out the explicit protection for higher education that was present in the prior HD2 draft. The current draft prohibits civil immigration enforcement at "schools" and "early-learning sites," but deletes the phrase "*institutions of higher education, including university of Hawaii campuses.*" We urge the Committee to restore this language to ensure there is no ambiguity that these vital protections extend to the university level. Our campuses must remain safe havens for learning and research, free from unrestricted enforcement activities.

#### **Request to Restore "Good Faith" Safe Harbor Protections**

Furthermore, we urgently request the restoration of the "good faith" safe harbor provision that was also removed in the HD2 SD1 draft. We have consistently expressed concern that mandates prohibiting employees from providing voluntary consent to federal agents place frontline faculty in a precarious legal position. Faculty members are educators, not legal experts. They may face high-pressure tactics, intimidation, or confusion when confronted by armed federal law enforcement agents demanding access to nonpublic areas.

The previous HD2 draft contained vital language ensuring that an employee who mistakenly grants access under duress or confusion will not be subject to workplace discipline, administrative retaliation, or personal civil liability for honest mistakes made while attempting to

University of Hawaii  
Professional Assembly

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comply with this chapter or when responding to perceived federal authority. Without this explicit safe harbor, frontline university personnel are exposed to unfair liability for simply doing their jobs. By restoring these clear protocols and protecting the workers tasked with implementing them, this measure can ensure that our university personnel remain focused on their primary professional responsibilities.

UHPA respectfully urges the Committee to amend HB 2540 HD2 SD1 to restore these two critical provisions so that we may fully support this measure.

**With these amendments, UHPA supports the passage of HB 2540 HD2 SD1.**

Respectfully submitted,

Christian L. Fern  
Executive Director  
University of Hawaii Professional Assembly

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)

*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Tuesday, March 17, 2026

9:55 AM

Room 016 and VIDEOCONFERENCE

## **SUPPORT for HB 2540 HD2, SD1-LIMITING STATE & FEDERAL COOPERATION**

Aloha Chair Rhoads, Vice Chair Gabbard and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,626 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to express our **SUPPORT for HB 2540 HD2, SD1**. The contents of this bill were replaced by the contents of HB3322 SD2, HD1 that prohibits, with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties. This bill requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement and prohibits law

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<sup>1</sup> DCR Weekly Population Report, March 23, 2026

[Pop-Reports-Weekly-2026-03-23.pdf](#)

enforcement officers from prolonging a stop to inquire about a person's civil immigration status, and establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation. Effective 3/22/2075. (SD1)

Measure like this have wide support since they align with the protections in Hawai'i's Constitution and with Governor Green's assertion of the civil rights of all Hawai'i residents.

Community Alliance on Prisons hopes the committee supports transparency and accountability in these perilous times when our immigrant neighbors are afraid to leave their homes for fear of arrest. Please continue to protect our communities from secret police.

There are several measures moving and we hope that conference committee will pass a bill or bills that support everyone in our communities across the pae`aina!

Mahalo for allowing us to share our thoughts.



*Cade Watanabe, Financial Secretary-Treasurer*

*Gemma G. Weinstein, President*

*Eric W. Gill, Senior Vice-President*

April 3, 2026

Senate Committee on Judiciary  
Sen. Karl Rhoads, Chair  
Sen. Mike Gabbard, Vice Chair

**Testimony in Strong Support of HB 2540**

Chair Rhoads, Vice Chair Gabbard, and Committee Members:

UNITE HERE Local 5 represents 10,000 working people in the hotel, food service and health care industries across Hawaii. The experiences of our sister locals elsewhere in the U.S., including Minneapolis, Los Angeles, and Washington DC, make clear to us that it is necessary to take action to rein in ICE and DHS across the country, and to hold them accountable.

We do not want our union members, their families, or anyone else in our community to be targeted, terrorized, assaulted, kidnapped, or killed by government agents or anyone else. We do not want their rights to be violated. All people should be treated with respect and dignity.

We urge your support of HB 2540. This measure is an important step toward greater accountability and safeguarding the most vulnerable people in our community.

Thank you.



April 3, 2026

Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair  
Committee on Judiciary

**Re: H.B. 2540 Relating to Law Enforcement**

**Hearing: Tuesday, April 7, 2026, 10:15 AM, Conference Room 016 & Videoconference**

Dear Chair Rhoads, Vice Chair Gabbard, and the Members of the Committee on Judiciary:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

**Hawaii Women Lawyers submits testimony in strong support of H.B. 2540 Relating to Law Enforcement.**

We strongly concur with the Legislature that it is necessary to establish clear policies and limits on federal immigration enforcement occurring within the State.

Supporting and upholding due process and judicial oversight standards aligns with our mission as an organization to uplift women. By requiring state and county law enforcement to establish and publicly post written policies regarding civil immigration enforcement, this bill allows for more trust between law enforcement and communities they serve.

Hawaii Women Lawyers commends and thanks the Legislature for prioritizing realities faced by victims of discrimination and for taking steps to ensure that our laws meaningfully support access to justice.

**For the above reasons, we strongly support H.B. 2540 Relating to Law Enforcement.**

Thank you for the opportunity to testify in strong support of this measure.



## COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

### HEARING:

Tuesday, April 7, 2026 at 10:15 am

Conference Room 016 & Videoconference

### TESTIMONY **IN SUPPORT** OF HB 2540, HD2, SD1 - RELATING TO LAW ENFORCEMENT.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui — *The People in Action Maui*. I am writing in **strong support of HB 2540, HD2, SD1**, which prohibits with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties, requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement, prohibits law enforcement officers from prolonging a stop to inquire about a person's civil immigration status, and establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation.

Roots Reborn is a grassroots, multicultural immigrant-justice and disaster-response organization serving migrant and immigrant communities on Maui and beyond. Born out of the August 2023 wildfires, we immediately stepped in to move aid, navigate systems alongside families, and build the trusted relationships that still anchor our work today. What began as wildfire response has grown into essential infrastructure for immigrant communities facing overlapping crises—from recovery and housing instability to shifting federal policies, increased enforcement, and rising fear.

The trust we have built has given us proximity to hear stories that rarely reach these chambers. Families who survived the fires, who lost homes, who are still piecing their lives together, now live with the additional terror of being separated from their children, their spouses, their neighbors. Many are afraid to go to work or school, or even to seek necessary medical care. For fire survivors already navigating grief, displacement, and rebuilding, this new crisis lands on top of everything else. Recovery becomes impossible when fear is constant.

Since December 2024, we have been meeting this new man-made disaster head-on. Roots Reborn is a founding coalition member of EPA Maui, a rapid response network and tipline made up of allied organizations and concerned community members. We exist because we believe an informed, calm community is a safer community.

Through this coalition, we have:

- Distributed over 3,500 flyers on constitutional rights
- Trained more than 700 community members through Know Your Rights workshops
- Delivered over 50 trainings to healthcare providers, social service organizations, business owners, faith communities, educators, and labor union leaders
- Processed more than 450 calls and texts through our tipline from community members concerned about federal enforcement activity
- Trained over 60 volunteer observers in verification, de-escalation, and peaceful documentation



For months we have seen video evidence of aggressive, heavily armed, masked federal agents subjecting people to excessive force, with no identifying tag or badge, refusing to identify themselves while violating people's constitutional rights to peaceably observe and document their behavior. These tactics heighten fear in the public and interfere with accountability for misconduct by the officers.

On Maui, we are witnessing an erosion of trust and an increase in fear. Community members are afraid to go to work and children are unable to go to school. We have heard stories from healthcare providers of patients forgoing critical care, and from faith leaders that people feel unable to attend religious services due to fear of confrontation by masked and unidentified federal agents. Trust in law enforcement of all kinds, even our local police departments, has eroded as a result. Coalition member organizations have been called upon to address the potential harms to victims of violent crime, especially women and children subjected to domestic violence, who are now afraid to ask for help from the local law enforcement officers who have a duty to protect them.

**House Bill 2540, HD2, SD1** is a limited, focused means to achieve greater transparency and is a small step to returning law enforcement in Hawai'i to public scrutiny and legal accountability.

Our trained observers do this work daily. We know that transparency enables accountability, and accountability rebuilds trust. We **urge you to support House Bill 2540, HD2, SD1** and to vote to pass it out of this committee.

Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica', written in a cursive style.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*

El Pueblo en Accion Maui, *Founding Coalition Member*



APRIL 7, 2026

## HOUSE BILL 2540 HD2 SD1

CURRENT REFERRAL: JDC

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Kris Coffield,  
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David Negaard,  
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Mireille Ellsworth,  
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Eileen Roco,  
*Director*

Beatrice DeRego,  
*Director*

Corey Rosenlee,  
*Director*

Amy Zhao,  
*Policy and Partnerships  
Strategist*

### POSITION: SUPPORT

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Imua Alliance supports HB 2540 HD2 SD1, relating to law enforcement, which prohibits with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties; requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement; prohibits law enforcement officers from prolonging a stop to inquire about a person's civil immigration status; and establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence, and combating all forms of systemic exploitation in our society. We have encountered numerous migrant survivors of sexual exploitation in our work, which is why we strongly support measures that advance community safety and survivor protections by reducing the harmful spillover of immigration enforcement into local institutions people rely on for protection, care, and due process.

An important protection for survivors and immigrant communities is banning the use of masking, face coverings that conceal identity, and other practices that prevent clear identification of immigration agents during enforcement actions. **When federal agents operate in camouflage or without visible identification, it creates an atmosphere of fear and confusion that compounds trauma for trafficking survivors, discourages victims from seeking help, and undermines trust in institutions that are meant to offer safety and support.**

The sense that agents could be "secret police" operating in neighborhoods, schools, or community spaces deters survivors from accessing critical services, reporting abuse by traffickers, seeking medical care, or engaging

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with law enforcement on serious crimes, a documented chilling effect that contributes to further exploitation and isolation.

Some states and localities have already moved to increase transparency and accountability in immigration enforcement by limiting masking practices for federal agents. In California's 2025 "No Secret Police Act," the legislature adopted laws that prohibit certain federal and local law enforcement officers from wearing masks that hide their identities during enforcement operations, requiring clear identification by name or badge number except in narrowly defined safety situations. Additionally, proposals in cities like Denver have considered face-mask prohibitions for ICE agents as part of efforts to ensure that immigration enforcement does not resemble clandestine operations in community spaces.

At the federal level, bills like the No Anonymity in Immigration Enforcement Act of 2025 (H.R. 4004) would similarly require ICE agents to be identifiable during enforcement activities absent exigent circumstances, underscoring a growing bipartisan concern about transparency and accountability in immigration enforcement.

A ban of masking by law enforcement must be considered as part of our state's overall movement to defend against aggressive ICE enforcement operations, which endanger our community and are especially concerning for victims of exploitation, many of whom are trafficked migrants.

**Trafficking survivors are uniquely harmed by escalating ICE raids and related abuses.** For survivors of labor and sex trafficking, contact with law enforcement, courts, schools, hospitals, and service providers is already difficult due to trauma, language barriers, isolation, threats from traffickers, and fear of retaliation. When aggressive immigration enforcement expands—especially raids and "at large" arrests—survivors are less likely to report trafficking, cooperate with investigations, seek protective orders, access emergency shelter, or obtain medical care because they fear that asking for help could expose them or their family members to detention or removal. This directly benefits traffickers, who commonly use immigration status as a tool of coercion ("If you go to the police, you'll be deported"). In short: when ICE presence and surveillance intensify, traffickers gain leverage, and survivor safety declines.

Recent reporting underscores how quickly enforcement tactics can scale and how that creates broader community fear. For example, national coverage in early 2026 described heightened enforcement operations and resulting backlash after fatal incidents involving federal agents in Minnesota—events that have amplified fear and mistrust, especially among immigrants and mixed-status families. Separately, investigative reporting described a nationwide "skip tracing" surveillance initiative launched in late 2025 to locate large numbers of immigrants using contractors and

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technology, raising civil liberties concerns that matter deeply for trafficking survivors trying to stay safe from both exploiters and abusers.

**2025–2026 data show a growing share of ICE targets have no criminal history.** This measure is also necessary because current enforcement patterns increasingly sweep in people without criminal convictions.

- TRAC (Syracuse University) reports that 73.6% of people held in ICE detention had no criminal conviction as of November 30, 2025.
- A January 2026 analysis reported the number of detained individuals with no convictions or pending charges rose sharply—from 3,165 in February 2025 to 25,193 in January 2026, based on ICE data summarized by an independent fact-checking review.
- Reuters reported that since January 20, 2025, 27% of ICE arrests involved individuals without other criminal charges or convictions (as of March 2025), contradicting claims that enforcement is narrowly focused on serious offenders.

When enforcement expands beyond serious public safety threats, the predictable result is broader community fear, precisely the environment in which trafficking thrives.

**Constitutional and legal foundations support state and local limits on immigration enforcement entanglement.** This measure is consistent with well-established constitutional principles and case law recognizing that states and localities cannot be compelled to administer or enforce federal regulatory programs.

- Under the anti-commandeering doctrine, the federal government generally may not require state/local officials to carry out federal enforcement. This principle is grounded in Supreme Court precedent including *Printz v. United States* (1997) and later reaffirmations of anti-commandeering limits.
- Courts have also reinforced that immigration enforcement is a federal domain and that state action must be carefully cabined, often cited in debates about state/federal boundaries in immigration enforcement (e.g., *Arizona v. United States* (2012)).

Put simply: Hawai'i can protect public safety while maintaining clear boundaries that prevent immigration enforcement from chilling access to services and justice for survivors.

Similar approaches exist across the U.S. Many jurisdictions have adopted policies to limit state/local participation in federal civil immigration enforcement—often described as “sanctuary” policies—precisely because community safety depends on residents' willingness to report crimes and seek help. The Congressional Research Service summarizes that such

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jurisdictions typically limit assistance with federal civil immigration enforcement.

Examples include statewide frameworks like the California Values Act, SB 54 (restricting use of state/local resources for immigration enforcement in many circumstances) and TRUST-style limits on detention and cooperation, which have been widely adopted in various forms across states and cities. More recently, proposals and ordinances in places like New York State and New York City have continued this trend, seeking to curtail deputization agreements and ICE footprint in local facilities.

For trafficking survivors, the ability to safely access shelters, clinics, schools, and the courts can be the difference between escape and continued exploitation. This measure helps ensure that survivors can seek help without fear that the act of reporting abuse will trigger detention, family separation, or deportation. That improves cooperation with law enforcement against traffickers, strengthens prosecutions, and supports safer communities statewide.

With aloha,

*Kris Coffield*

President, Imua Alliance



*Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.*

To: Senate Committee on Judiciary  
Re: **HB2540 HD2 SD1 – Relating to Law Enforcement**  
Hawaii State Capitol & Via Videoconference  
April 7, 2026, 10:15 AM

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the committee,

On behalf of Hawai'i Children's Action Network (HCAN) Speaks!, I am writing **in SUPPORT of HB2540 HD2 SD1**, which limits how much Hawaii state and local police can cooperate with federal immigration enforcement and requires clear, public policies about that cooperation. It generally prohibits officers from stopping or holding someone just to investigate their immigration status and restricts immigration enforcement activities at schools, early learning sites, and other sensitive locations. It also requires law enforcement officers to be identifiable and follow transparency rules while carrying out their duties.

Our schools and child care centers should be places where keiki feel safe, welcome, and free to learn without fear. This bill helps ensure that students and their families do not experience anxiety or disruption due to civil immigration enforcement activities at or near educational settings. These protections are essential for supporting children's emotional well-being and educational success.

By prohibiting stops or detentions based solely on immigration status and requiring clear, publicly posted policies, the bill helps families feel safe sending their children to school, accessing healthcare, and participating in their communities. Children should be able to learn, grow, and receive care without the constant worry of immigration enforcement at their doors.

Students who fear enforcement actions at school grounds may be less likely to attend regularly, participate fully, or engage in learning. This bill helps remove those barriers by requiring that state and county actors refrain from assisting civil immigration enforcement at schools and early-learning sites.

Keiki's healthy development also relies on safe access to essential services. This bill also covers health care facilities, emergency or domestic violence shelters, courthouses and places of worship, which many families with children depend on.

A child's sense of security is deeply tied to their 'ohana's stability. By setting clear limits on how and when state and county agencies interact with federal immigration enforcement, this bill helps reduce the risk of unexpected family separations occurring in places where children should feel secure.

Mahalo for the opportunity to provide this testimony. Please pass this bill.

Thank you,

Nicole Woo  
Director of Research and Economic Policy

April 7, 2026

Senate Committee on Judiciary

**Comments on HB 2540, HD2, SD1 – Relating to Law Enforcement**



Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The **State of Hawai'i Organization of Police Officers (SHOPO)** submits comments on **HB 2540, HD2, SD1** which prohibits with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties. It requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement.

This bill does not adequately address the use of law enforcement officers' unmarked vehicles through subsidized vehicle programs. In addition, masks are a critical tool for officers performing undercover operations, SWAT activities, or assignments in high-risk environments. Although this bill attempts to narrowly permit undercover activity, a ban would significantly limit officers' ability to maintain anonymity, directly compromising their safety and effectiveness.

Requiring officers to be unmasked exposes their identities to the public, which increases the risk of doxxing, harassment, retaliation, and threats against officers and their families, particularly from criminal elements or organized groups. Law enforcement officers frequently operate in conditions that require facial protection, including smoke, chemical exposure, or infectious disease environments. Mask use is a practical necessity to prevent injury. Masks may also be necessary should an officer become ill or at risk for airborne illness. While amendments to this bill provide for compliance with health and safety laws and reasonable accommodations, there remain times when an officer's health may be a significant concern.

The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure. The more than 2,700 law enforcement officers who are members of SHOPO risk their lives every day to keep our islands safe. SHOPO is dedicated to protecting public safety. We strive to work in partnership with community members because, together, we can build stronger and safer neighborhoods. Thank you for the opportunity to provide testimony on this measure.

Respectfully submitted,

**State of Hawai'i Organization of Police Officers (SHOPO)**

**Testimony of HAWAII FILIPINO LAWYERS ASSOCIATION (HFLA)  
In SUPPORT of HB2540 HD2 SD1**

Senate Committee on Judiciary (JDC)

Chair: Sen. Karl Rhoads  
Vice Chair: Sen. Mike Gabbard

Hearing Date: April 7, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is Wilfredo Tungol, chair of HFLA Advocacy Committee. HFLA submit this testimony in **support of HB2540 HD2 SD1**, which prohibits (with exceptions) facial coverings and requires visible identification by law enforcement officers and their vehicles, requires state and county law enforcement agencies to establish written policies on cooperation with federal civil immigration enforcement, prohibits officers from prolonging stops to determine civil immigration status, and establishes criminal offenses for facial covering violations, lack of visible identification, and unauthorized civil immigration interrogation. HFLA supports transparency and the protection of due process rights of immigrants in our community

HB2540 HD2 SD1 — significantly strengthened by the Senate PSM/EIG amendment — is now the most comprehensive accountability framework in the Campaign for Immigrant Justice package. By combining visible ID and facial covering standards with written policy requirements and a prohibition on prolonging stops for civil immigration status, the bill addresses both the day-to-day encounters communities fear most and the structural accountability gaps that allow civil immigration enforcement to become embedded in local policing. Criminal offense provisions make these standards real: violations are prosecutable, not dismissible.

When immigrant and mixed-status families know that local officers cannot turn a routine traffic stop into a civil immigration interrogation, and that every agency must publicly post its policies on state-federal cooperation, the relationship between community and law enforcement improves. Having passed the House and Senate PSM/EIG, this bill comes before Senate Judiciary for the final policy committee vote before the floor.

For these reasons, I respectfully request that the Committee **PASS HB2540 HD2 SD1**.

Mahalo for the opportunity to provide testimony.

Sincerely,

Wilfredo Tungol  
HFLA Advocacy Chair  
808-387-7412



[www.hicir.org](http://www.hicir.org) | Instagram @hicir  
[hicoalitionforimmigrantrights@gmail.com](mailto:hicoalitionforimmigrantrights@gmail.com)

## **Testimony of the Hawai‘i Coalition for Immigrant Rights**

### **In SUPPORT of HB2540 HD2: Relating to Law Enforcement**

**Hearing Date:** Monday, March 23, 2026

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is Liza Ryan-Gill, and I submit this testimony in **support of HB2540 HD2 SD1**, which prohibits (with exceptions) facial coverings and requires visible identification by law enforcement officers and their vehicles, requires state and county law enforcement agencies to establish written policies on cooperation with federal civil immigration enforcement, prohibits officers from prolonging stops to determine civil immigration status, and establishes criminal offenses for facial covering violations, lack of visible identification, and unauthorized civil immigration interrogation.

I am the Co-director and Refounder of the Hawai‘i Coalition for Immigrant Rights (HCIR), and I am testifying on behalf of HCIR. HCIR is a coalition of more than 30 immigrant-serving and immigrant-led organizations across the pae ‘āina working to advance policies that protect immigrant and migrant communities and strengthen Hawai‘i as a place where all families can thrive.

### **The Most Comprehensive Accountability Framework in the Package**

HB2540 HD2 SD1 — significantly strengthened by the Senate PSM/EIG amendment — is now the most comprehensive accountability framework in the Campaign for Immigrant Justice legislative package. By combining visible identification and facial covering standards with written policy requirements and a prohibition on prolonging stops for civil immigration status, the bill addresses both the day-to-day encounters communities fear most and the structural accountability gaps that allow civil immigration enforcement to become embedded in local policing. The criminal offense provisions make these standards real: violations are prosecutable, not dismissible.

### **Creating Consistent, Statewide Policy Infrastructure**

Requiring publicly posted written policies is the baseline of democratic accountability. When communities can verify what their law enforcement agencies have committed to, it builds the trust that makes effective policing possible. When those commitments are absent or hidden, fear fills the void — and that fear has real consequences. Across the pae ‘āina, HCIR's member



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[hicoalitionforimmigrantrights@gmail.com](mailto:hicoalitionforimmigrantrights@gmail.com)

organizations hear from families who avoid hospitals, skip court appearances, and refuse to call 911 because they cannot be certain that contact with local law enforcement will not lead to immigration consequences. This bill directly addresses that uncertainty.

### **Prohibiting Pretextual Stops Prevents Racial Profiling**

HB2540 HD2 SD1 prohibits officers from initiating or prolonging a stop, detention, or arrest for the purpose of determining a person's civil immigration status without reasonable suspicion based on specific and articulable facts. The bill is explicit that reasonable suspicion may not be based solely on race, color, ethnicity, national origin, ancestry, language, accent, religion, manner of dress, presence in a particular location, or the exercise of constitutional rights.

This sends a clear and necessary message: racial profiling and discriminatory policing have no place in Hawai‘i. When immigrant and mixed-status families know that local officers cannot turn a routine traffic stop into a civil immigration interrogation — and that every agency must publicly post its policies on state-federal cooperation — the relationship between community and law enforcement improves. Survivors of domestic violence, sexual assault, and trafficking are among those most harmed when that trust collapses. Protecting them requires clear, enforceable standards.

### **Visible Identification and Facial Covering Standards**

The bill's identification and facial covering provisions complement and reinforce those in HB1886 HD2 SD1. When people cannot tell who is exercising authority over them — whether the person approaching them is a local officer, a federal immigration agent, or someone falsely impersonating law enforcement — fear and confusion escalate. Requiring visible identification on the outermost garment and limiting the use of facial coverings with narrowly defined exceptions gives communities the transparency they need and gives responsible officers clear, consistent standards to work from.

The criminal offense provisions — including civil liability exposure for officers who commit tortious conduct while masked or unidentified — ensure these are enforceable standards, not aspirational ones.

### **Protected Locations: Keeping Essential Services Accessible**

The protected locations provisions ensure that schools, healthcare facilities, shelters, and other essential community spaces remain accessible to everyone without fear. When people are afraid to bring their children to school, seek medical care, or access emergency shelter, the entire community pays the cost — in worse health outcomes, lower school attendance, and reduced



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willingness to report crime. HB2540 HD2 SD1 makes clear that these spaces must remain safe and welcoming for all residents, regardless of immigration status.

### **Part of a Comprehensive Statewide Framework**

Together, HB2540 HD2 SD1 and HB1886 HD2 SD1 form a comprehensive statewide accountability framework — one that addresses agency-level policy and collaboration standards alongside officer-level identification and masking requirements. These bills are complementary and mutually reinforcing. Paired with HB1768 HD1 SD1's prohibition on 287(g) agreements, they constitute the core of what the Campaign for Immigrant Justice has built this session: a durable, legally grounded structure that keeps Hawai'i's public safety institutions focused on the communities they serve.

Having passed the House and cleared the Senate PSM/EIG committee, HB2540 HD2 SD1 now comes before Senate Judiciary for the final policy committee vote before the floor. HCIR and our 30+ member organizations urge this Committee to advance it.

For these reasons, I respectfully request that the Committee PASS HB2540 HD2 SD1.

Mahalo for the opportunity to provide testimony.

Respectfully,

Liza Ryan-Gill

Co-director and Refounder



**TESTIMONY IN SUPPORT OF  
HB1886, HD2, SD1 – RELATING TO GOVERNMENT OPERATIONS  
HB2540, HD2, SD1 – RELATING TO LAW ENFORCEMENT**

**Senate Judiciary Committee**

Sen. Karl Rhoads, Chair  
Sen. Mike Gabbard, Vice Chair

Hearing Date: April 7, 2026 | Letter Date: April 6, 2026

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Legal Clinic (TLC) strongly supports HB1886, HD2, SD1 and HB2540, HD2, SD1 two measures that draw clear, enforceable boundaries on state and county involvement in federal civil immigration enforcement and reinforce safety and constitutional protections for all Hawai'i residents. These goals are among the highest priorities of the Campaign for Immigrant Justice (CIJ) this legislative session. TLC is a nonprofit organization that advances immigrant justice statewide through legal services, education, and advocacy; we also serve on the CIJ steering committee alongside the Hawai'i Coalition for Immigrant Rights and the American Civil Liberties Union of Hawai'i.

HB1886, HD2, SD1 establishes firm limits on state and county cooperation with federal immigration enforcement except where required by law. The bill prohibits the use of public resources to support immigration enforcement operations, restricts deputization and participation in joint task forces that risk constitutional violations, and strengthens oversight of any criminal law enforcement cooperation by requiring written, time-limited agreements subject to Attorney General review. The bill also creates enforceable transparency standards requiring visible identification and restricting the use of facial coverings by law enforcement officers, with narrowly tailored safety exceptions and misdemeanor penalties for violations. Importantly, this measure reinforces protections for constitutionally protected activities and establishes criminal penalties for unauthorized civil immigration interrogation, arrest, or detention, while establishing a safe harbor provision for good faith compliance.

HB2540, HD2, SD1 complements this framework by requiring law enforcement agencies to adopt and publicly post written policies on civil immigration enforcement, immigration status inquiries, and the use of facial coverings, visible identification, and vehicle markings; restricting state or county participation in immigration enforcement activity at sensitive community locations; limiting the collection and sharing of immigration-related personal data; and requiring public reporting of civil immigration requests. This measure also requires state and county law enforcement personnel to turn on their body cameras to monitor immigration enforcement activity. Like HB1886, HD2, SD1 this bill establishes criminal offenses for violations, prohibits officers from initiating or prolonging stops solely to investigate civil immigration status and clarifies that reasonable suspicion may not be based on race, ethnicity,

language, or other protected characteristics. The Department of Law Enforcement is directed to assist state and county agencies in maintaining compliance.

Both bills offer provisions that restrict state and county participation in civil immigration operations that exceed statutory authority or risk violating constitutional rights. Both bills promote transparency and accountability in law enforcement. Because these bills and others pending before the Legislature this session address overlapping subjects and amend related chapters of the Hawai'i Revised Statutes, TLC respectfully recommends harmonizing these measures to strengthen implementation, reinforce safeguards on constitutional rights, and provide clear guidance to agencies and officers.

We appreciate the Legislature's leadership in carefully examining how state and county resources are used, how law enforcement accountability can be strengthened, and how trust between communities and local law enforcement institutions can be protected - particularly in this national moment of intensifying federal immigration enforcement and well-documented violations of constitutional rights. These measures reflect Hawai'i's commitment to safety, dignity, and due process for all residents, and TLC stands ready to support their effective implementation.

Respectfully submitted on behalf of The Legal Clinic  
and Board President Amefil Agbayani,



Christina Sablan  
Community & Policy Advocate



## *Fujiwara & Rosenbaum, L.L.L.C.*

*Alaʻe Corporate Tower  
1100 Alaʻe St., Fl. 20, Suite B  
Honolulu, Hawaii 96813*

**LATE**

Senate Committee on Judiciary

**Date:** Tuesday, April 7, 2026, 10:15 AM, Conf. Rm. 016

**Re:** Testimony of Fujiwara & Rosenbaum, L.L.L.C, in **STRONG SUPPORT** of **H.B. NO. 2540, H.D. 2, S.D. 1, with RECOMMENDED AMENDMENTS**

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Fujiwara & Rosenbaum, L.L.L.C submits this testimony in **strong support** of H.B. No. 2540, H.D. 2, S.D. 1, with recommended amendments to strengthen enforcement. We also urge this Committee to pass this measure with a meaningful effective date.

### **I. Firm Interest**

Fujiwara & Rosenbaum has represented workers and individuals whose civil rights have been violated throughout Hawai‘i since 1986. Our practice concentrates on employment discrimination, workplace retaliation, whistleblower protection, and police brutality. This bill intersects our two core practice areas: it strengthens police accountability and protects immigrant workers who are most vulnerable to exploitation. We offer this testimony not to praise the bill's goals, which we fully support, but to identify specific enforcement gaps that, if left unaddressed, will limit the bill's effectiveness in the courtroom and on the street.

### **II. What This Bill Gets Right**

The bill's architecture is sound. Proposed §139-A requires **visible officer identification** that cannot be "obscured by tactical equipment, body armor, or accessories" and mandates that each officer display the employing agency's name and their own last name or badge number. In our police brutality practice, the inability to identify an offending officer is one of the most significant barriers victims face. This provision directly addresses that problem. The bill's rejection of "generalized and undifferentiated fear and apprehension about law enforcement officer safety" as justification for facial coverings reflects a correct constitutional principle: vague officer-safety claims cannot override the public's right to know who is exercising state power over them. Under the **Hawai‘i Constitution, Art.I, §5 (due process) and Art.I, §6 (right to privacy)**, these **identification requirements have constitutional grounding**.

The bill's **anti-profiling provisions** in §139-C are well-drafted. The **prohibition on prolonging stops for immigration purposes**, combined with the **explicit bar** on using race, color, ethnicity, national origin, ancestry, language, accent, or manner of dress as the sole basis for reasonable suspicion, codifies protections consistent with:

- Equal protection principles and Hawai‘i's own **Art.I, §5 prohibits discrimination** "because of **race, religion, sex, or ancestry** and
- **Art.IX §10<sup>i</sup>, the Law of the Splintered Paddle, *māmalahoe kānāwai* (Kamehameha I's decree in 1797) mandating public safety and the protection of vulnerable persons.**

The creation of **criminal offenses for both officer masking (§710-A) and unauthorized immigration interrogation (§710-B)** gives this bill **meaningful accountability** tools that prior

legislative efforts lacked. We commend the Committees for adopting this framework from S.B. No. 3322, S.D. 2.

### **III. Enforcement Gaps and Recommended Amendments**

The bill's protections will be tested, and our concern is how they will perform under litigation pressure. We have identified six specific gaps, organized by priority:

#### **A. No Private Right of Action (§710-A (use of a mask), §710-B (unauthorized interrogation, arrest or detention))**

This is the most significant gap in the bill. Both criminal offenses are classified as misdemeanors, but the bill provides no civil cause of action for victims. As practitioners, we can tell this Committee from experience: criminal enforcement of civil rights violations depends entirely on prosecutorial discretion. Prosecutors weigh competing priorities, political pressures, and relationships with law enforcement agencies. A worker who is illegally interrogated about immigration status by an officer, or whose civil rights are violated by a masked officer who cannot be identified, has no independent path to relief under this statute.

We respectfully **urge the Committee to add a private right of action** for individuals subjected to violations of §710-A or §710-B. The provision should include statutory damages, reasonable attorney's fees, and injunctive relief. This approach is consistent with Hawai'i's tradition of providing civil remedies for civil rights violations, and it would **give the bill's protections practical teeth independent of the criminal process**. Without it, the bill's strongest provisions are entirely dependent on whether a prosecutor chooses to act.

#### **B. The "Unavoidable" Exception Undermines Sensitive-Location Protections (§139-B(b)(2) vs. §353C(b))**

The bill contains *an internal inconsistency that, if left uncorrected, will be exploited*. Proposed **§139-B(b)(2) prohibits civil immigration enforcement** at schools, health facilities, courthouses, domestic violence shelters, and places of worship, "*except in compliance with narrowly tailored procedures for unavoidable civil immigration actions*." Neither "unavoidable" nor the required "narrowly tailored procedures" are defined anywhere in the bill.

**Compare this to §353C(b)**, which **prohibits enforcement at the same locations with no such exception**: "Civil immigration enforcement activity involving state or county participation shall not be conducted at schools, early-learning sites, health care facilities, emergency or domestic violence shelters, courthouses, or places of worship." The **only exception under §353C** is **§353C(d)**'s compliance with a "valid judicial warrant authorizing entry or entry under exigent circumstances."

In our civil rights practice, undefined exceptions invite abuse. An agency could declare virtually any enforcement action "unavoidable" and draft its own "narrowly tailored procedures" to authorize what the bill was designed to prevent. Workers who are victims of sexual violence, who need medical care, or who must appear in court to vindicate their rights will not do so if they fear enforcement at the courthouse door. We respectfully recommend striking the "except" clause from §139-B(b)(2) and aligning it with the stricter §353C(b) framework, which permits only judicial-warrant or exigent-circumstances exceptions.

#### **C. High Mens Rea Bar Limits Criminal Accountability (§710-B)**

Proposed §710-B requires that the officer "intentionally or knowingly acts beyond the scope of the officer's lawful authority." This requires proof that the officer subjectively knew the

interrogation, arrest, or detention was unauthorized. In practice, officers will claim they believed they had authority, and unless the prosecution can prove subjective knowledge to the contrary, the case fails. This **effectively limits §710-B to the most egregious violations, where an officer admits knowledge or acts in defiance of a direct order.**

We respectfully recommend lowering the threshold to **"knowingly or recklessly" or adopting a "knew or should have known" standard.** An officer who conducts an immigration **interrogation in reckless disregard of the limits of their authority should not escape criminal liability because they avoided subjective awareness of those limits.**

#### **D. Body Camera Trigger Depends on Formal Notification (§139-B(b)(6))**

The body camera provision requires recording "when notified of United States Immigration and Customs Enforcement activity." ICE frequently conducts operations without notifying local agencies. If no notification occurs, the recording obligation never activates. In our civil rights litigation, video evidence is often the difference between a case that can be proven and one that cannot. We recommend **broadening the trigger** to include any situation in which an officer "is notified of **or becomes aware of**" ICE activity, so the provision covers both formal notification and firsthand observation.

#### **E. No Consequence for Failure to Adopt Policies (§139-A(a), §139-B(a))**

Proposed §139-A(a) and §139-B(a) require agencies to establish and publicly post written policies by July 1, 2027. But the bill is silent on what happens if an agency fails to comply with the deadline. Without a consequence (such as a statutory default policy that applies automatically, or a cause of action to compel adoption), agencies could delay indefinitely and the bill's policy-based protections would remain unimplemented.

#### **IV. Effective Date**

The current effective date of March 22, 2075, is a placeholder. This bill has now been reviewed across both chambers with broad support. The Committees on Public Safety and Military Affairs and Energy and Intergovernmental Affairs found that entangling local law enforcement with immigration enforcement "jeopardize[s] the State's elevated respect for individual rights, which are more robust than those provided by the United States Constitution." That Committee's finding **demands action, not further delay.**

#### **V. Conclusion**

Fujiwara & Rosenbaum, LLC **urges this Committee to pass H.B. No. 2540, H.D. 2, S.D. 1, with a meaningful effective date and with the amendments described above.** This bill's framework is strong. With a private right of action, a tightened sensitive-locations exception, and a workable *mens rea* standard, it will protect the workers, families, and communities of Hawai'i not just in principle but in practice.

Thank you for the opportunity to testify.

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<sup>i</sup> **Art.IX §10:** Enshrines the Law of the Splintered Paddle (*māmalahoe kānāwai*) as "a unique and living symbol of the State's concern for public safety," mandating that "every elderly person, woman and child lie by the roadside in safety." It is an affirmative constitutional mandate to **protect vulnerable persons** and has been recognized by the Hawai'i Supreme Court as requiring "equality before the law" and protection of all people's common humanity.



Hawai'i

**LATE**

Committees: Senate Committee on Judiciary  
 Hearing Date/Time: Tuesday, April 07, 2026, at 10:15 AM  
 Place: Conference Room 016 & via Videoconference  
 Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 2540 HD2 SD1, Relating to Law Enforcement**

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU-HI") writes in **support of HB 2540 HD2 SD1**, which limits state and federal collaboration in immigration enforcement operations and prohibits the deputization of federal agents for general policing.

At its core **HB 2540 HD2 SD1 is about preserving Hawaii's constitutional autonomy, protecting residents from civil rights violations**, and ensuring that the State does not entangle itself—legally, financially, or morally—in federal enforcement schemes that are opaque, discriminatory, and increasingly unaccountable.

Across the country, states and local governments have learned—often through costly litigation—that cooperation with federal law enforcement is not neutral. When state or county agencies lend personnel, data, facilities, or credibility to federal operations, they also absorb the **downstream consequences: exposure to civil liability, erosion of community trust, and complicity in actions that violate constitutional norms**. This measure reflects a decision to draw principled boundaries around such cooperation.

*I. Non-Cooperation is a Lawful and Necessary Exercise of State Power*

HB 2540 HD2 SD1 rests squarely on **the anti-commandeering doctrine, a foundational principle of American federalism**. The United States Supreme Court has repeatedly held that while the **federal government may enforce federal law, it may not compel states to use their resources**, officers, or political subdivisions to do so. In *New York v. United States*, the Court made clear that Congress may not "commandeer the legislative processes of the States."<sup>i</sup> In *Printz v. United States*, the Court extended that principle to state executive officials, holding that the federal government may not require state officers to administer or enforce a federal regulatory program.<sup>ii</sup> These cases do not describe an exception; they articulate a structural protection of liberty.

Immigration enforcement is federal, governed by shifting priorities that state governments neither control nor supervise. **When states entangle themselves in those efforts, they surrender authority over how their residents are policed while remaining legally liable.** HB HD1 affirms that Hawai‘i will not be commandeered into service of federal programs that it does not direct and cannot meaningfully oversee.

Federal courts have consistently upheld this choice. In *United States v. California*, the Ninth Circuit reaffirmed that states are under no obligation to assist with federal immigration enforcement and may affirmatively restrict the use of state resources for that purpose without violating the Supremacy Clause.<sup>iii</sup> HB 2540 HD2 SD1 reiterates this.

## *II. Cooperation with Abusive Federal Actors Creates Real and Predictable Liability*

The risks of cooperation are neither speculative nor abstract. Courts have repeatedly found that **Immigration and Customs Enforcement (“ICE”) agents have engaged in unconstitutional conduct, such as warrantless arrests, prolonged detention without probable cause, racial profiling, and retaliation against protected speech.** When state agencies assist in these operations—by honoring detainers or embedding officers—they invite liability under both federal and state law.

In *Miranda-Olivares v. Clackamas County*, for example, a federal district court held that a county violated the Fourth Amendment by detaining an individual at ICE’s request without probable cause.<sup>iv</sup> Numerous jurisdictions have paid significant settlements or judgments arising directly from cooperation with ICE requests later deemed unlawful.

**HB 2540 HD2 SD1 reduces the likelihood that Hawai‘i agencies will need to defend unconstitutional conduct at the taxpayer’s expense.**

## *III. Deputization and 287(g) Agreements Are Especially Dangerous*

HB 2540 HD2 SD1 is particularly **important in rejecting deputization arrangements and 287(g)-style cooperation.** Section 287(g) of the Immigration and Nationality Act authorizes the federal government to deputize local law enforcement officers to perform civil immigration enforcement functions, often leading to widespread abuse.<sup>v</sup>

By placing local police officers—trained to enforce criminal law—into the role of civil immigration agents, **287(g)-style agreements and memoranda of understanding encourage pretextual policing while blurring lines of accountability. Cooperation also undermines public safety.** When residents fear that contact with state or county agencies may expose them to federal immigration enforcement, they may be less likely

to report crimes, seek medical care, enroll children in school, or participate as witnesses. The resulting erosion of trust makes communities less safe.

#### *IV. Federalism Serves as a Shield for Civil Liberties*

Federalism is not merely an abstract allocation of power; it is a concrete safeguard for individual rights. When national enforcement policy veers toward repression, state **refusal to cooperate is one of the most effective lines of defense for civil liberties.**

This principle carries particular force in Hawai‘i as **our State Constitution provides broader protections for individual rights than the federal Constitution.** The Hawai‘i Supreme Court has recognized that our Constitution is an independent source of rights and that federal constitutional minima do not define the outer bounds of liberty in Hawai‘i. In *State v. Zuffante*, the court reaffirmed that Hawaii’s Constitution may—and often does—offer greater protection than its federal counterpart.<sup>vi</sup> So, even when protections are weakened or eliminated at the federal level, **Hawai‘i retains the authority to safeguard civil liberties under its own constitutional framework.**

**By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD2 SD1 ensures that Hawaii’s constitutional commitments are not undermined. HB 2540 HD2 SD1 is a prudent response to a federal enforcement landscape that increasingly disregards civil liberties and transparency.** By embracing a general position of non-cooperation, rejecting dangerous deputization schemes, and reaffirming the State’s sovereign rights under our federal system, the Legislature can protect Hawai‘i residents while shielding the State from unnecessary legal and financial liability.

Thank you for the opportunity to testify.



Mandy Fernandes  
Policy Director  
ACLU of Hawai‘i

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*With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. The ACLU of Hawai‘i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai‘i has been serving our communities in Hawai‘i for over 60 years.*

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<sup>i</sup> *New York v. United States*, 505 U.S. 144, 161–66 (1992), <https://supreme.justia.com/cases/federal/us/505/144/>.

<sup>ii</sup> *Printz v. United States*, 521 U.S. 898, 925–33 (1997), <https://supreme.justia.com/cases/federal/us/521/898/>.

<sup>iii</sup> *United States v. California*, 921 F.3d 865, 888–91 (9th Cir. 2019), <https://cdn.ca9.uscourts.gov/datastore/opinions/2019/04/18/18-16496.pdf>.

<sup>iv</sup> *Miranda-Olivares v. Clackamas Cnty.*, No. 3:12-cv-02317-ST, 2014 WL 1414305, at \*11–13 (D. Or. Apr. 11, 2014), <https://law.justia.com/cases/federal/district-courts/oregon/ordce/3:2012cv02317/110279/163/>. Unreported.

<sup>v</sup> Immigration and Nationality Act § 287(g), 8 U.S.C. § 1357(g), [https://uscode.house.gov/view.xhtml?req=\(title:8%20section:1357%20edition:prelim\)](https://uscode.house.gov/view.xhtml?req=(title:8%20section:1357%20edition:prelim)).

<sup>vi</sup> *State v. Zuffante*, 157 Haw. 194, 200, 576 P.3d 243, 249 (2025), <https://law.justia.com/cases/hawaii/supreme-court/2025/scwc-23-0000376-0.html>.

**HB-2540-SD-1**

Submitted on: 4/1/2026 2:57:13 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| Submitted By  | Organization | Testifier Position | Testify                |
|---------------|--------------|--------------------|------------------------|
| William Caron | Individual   | Support            | Written Testimony Only |

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am testifying in **strong support** of HB2540 HD2 SD1, a common-sense and vital piece of legislation that advances transparency, accountability, and equal justice under the law. This bill addresses two interconnected pillars of public trust: the right of the people to know who is policing them, and the protection of individuals from being detained or interrogated based on discriminatory profiling rather than suspected criminal activity.

First, this bill ensures that every law enforcement officer engaged in public-facing enforcement is visibly identifiable. The simple requirement to display a nameplate and badge is a foundational element of democratic policing. It builds accountability, allowing the public to know who is acting under the color of state authority. It prevents confusion and the risk of impersonation, which enhances safety for both officers and the public.

Most importantly, it fosters transparency and aids in de-escalation; an officer who is identifiable is an officer who is accountable to the community they serve. There should be no “secret police” operating in our communities.

Second, HB2540 HD2 SD1 establishes crucial and consistent statewide standards to limit prolonged detention and questioning by law enforcement regarding a person’s civil immigration status. It prohibits officers from extending a stop, detention, or arrest solely to ask about immigration status unless such inquiry is directly relevant to the criminal investigation at hand.

This provision is a direct deterrent to racial and ethnic profiling. It ensures that local law enforcement resources are focused on public safety, not on enforcing federal civil immigration law in a manner that erodes community trust. When individuals fear that any interaction with police could lead to immigration interrogation, they cease reporting crimes, acting as witnesses, or seeking help, making all of us less safe.

By requiring law enforcement agencies to adopt clear, written policies on these standards, HB2540 HD2 SD1 provides essential guidance for officers and creates uniform expectations for the public across the state. It strikes the right balance, respecting the operational needs of law enforcement while firmly embedding the principles of transparency and equal protection into their daily practice.

This legislation is not anti-law enforcement; it is pro-community and pro-trust. It ensures that policing in Hawai'i is conducted openly, fairly, and with the primary goal of safeguarding the rights and safety of every resident. I urge you to pass HB2540 HD2 SD1 to affirm that in our state, accountability is visible, and justice is blind to immigration status.

Mahalo for the opportunity to testify.

**HB-2540-SD-1**

Submitted on: 4/1/2026 7:44:18 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Kehaulani Coleman   | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Thank you

**HB-2540-SD-1**

Submitted on: 4/1/2026 8:11:28 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Lois Langham        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I strongly support this bill. At its core HB 2540 HD1 is about preserving Hawaii’s constitutional autonomy, protecting residents from civil rights violations, and ensuring that the State does not entangle itself—legally, financially, or morally—in federal enforcement schemes that are opaque, discriminatory, and increasingly unaccountable. The current federal government leadership is corrupt and should not have unbridled cooperation.

**HB-2540-SD-1**

Submitted on: 4/1/2026 8:29:24 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Thomas Brandt       | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Support

**HB-2540-SD-1**

Submitted on: 4/1/2026 8:29:27 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Nancy D Moser       | Individual          | Support                   | Written Testimony<br>Only |

Comments:

in support

**HB-2540-SD-1**

Submitted on: 4/1/2026 9:13:21 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Aimee E McCullough  | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I am writing in strong support of HB1768 both personally and as a member of the Indivisible Hawaii State Network (IHSN).

This bill is necessary to assure that our law enforcement agencies and personnel do not become complicit in the type of unlawful, indiscriminate and violent immigration sweeps federal agencies are currently conducting. Hawaiian communities practice the spirit of aloha and cherish our ohanas and neighbors. Federal enforcement under this administration does not share our values, and our law enforcement officers should not be delegated to assist them.

Because it is reported that making 287(g) agreements with Hawaiian agencies is a federal priority passage of HB1768 is needed urgently to protect law enforcement on all the islands from being pressured into an unholy alliance with ICE.

Thank you for the opportunity to testify on this important matter.  
Aimee M

**HB-2540-SD-1**

Submitted on: 4/1/2026 9:23:08 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Mariana Monasi      | Individual          | Support                   | Written Testimony Only |

Comments:

Aloha- I am writing in strong support of HB2540. We have seen how the lack of accountability for violence by masked "agents" has eroded trust in the government at large. Collaboration by any local agency with a rampantly fascist federal government with no accountability will mean that our Hawaii residents will see local law enforcement in similar light, and it will completely erode any trust people have in law enforcement, which will make Hawaii a more dangerous place, if people feel they cannot call for help when horrible things happen. Any assistance to the federal government at this point in time is not only irresponsible to your constituents, but a moral injury to anyone who allows it. Mahalo for considering passing this bill.

**HB-2540-SD-1**

Submitted on: 4/1/2026 10:02:26 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Gaye Chan           | Individual          | Support                   | Written Testimony Only |

Comments:

Over the past year, I have been watching the erosion of due process across the US. I am very concerned that federal agents have arrested, detained and deported people under the scope of Trump’s immigration crackdown. They have done this with impunity, regardless of proof, legal status, including those who are citizens. I have seen the horrible conditions at detention camps. I have read about individuals who have been detained for nearly a year without being charged with anything at all. I have watched video after video of federal agents hurting, and even killing people. Including hurting and killing those who have done nothing except protecting their neighbors, and documenting immigration operations. What is even more concerning is how governmental officers, including the president, blatantly lie about the victims, contradicting the facts that we clearly see with our own eyes.

Because of all of this, many of us are living in a state of constant vigilance and fear. Some are afraid to leave their homes or go to the doctors to receive needed care. With the potential of unidentified, and masked agents who may appear at any moment and do whatever they want without any accountability, we must be able to count on local law enforcement more than ever before.

Because of all of this, HPD must not collaborate nor have any role in immigration operations or share any information about us with those Federal agencies. This Bill is one way to ensure this issue.

I live in Kahalu‘u, and my 97-year-old mom is at a foster care home on School Street in Kalihi. In both neighborhoods, there is drugs, gangs, and domestic violence. In Kahalu‘u, we also have illegal cock and even dog fighting, which comes with gambling and more drugs. Our safety requires that all our neighbors are willing to call on local law enforcement as we need to. We need a hard line drawn so that our neighbors are not afraid. None of us should think that by calling, we might make ourselves, our extended family, or our circle of friends vulnerable to being targeted or racially profiled. If there is collaboration, the growing climate of fear will undoubtedly result in an environment where criminality reigns and an erosion of trust for local law enforcement.

**HB-2540-SD-1**

Submitted on: 4/1/2026 10:04:31 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Cory Harden         | Individual          | Support                   | Written Testimony<br>Only |

Comments:

member, Indivisible

**HB-2540-SD-1**

Submitted on: 4/2/2026 2:48:01 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Kanani Kai          | Individual          | Support                   | Written Testimony Only |

Comments:

I STRONGLY SUPPORT HB2540.

HB2540

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

The American Civil Liberties Union of Hawai‘i (“ACLU-HI”) writes in SUPPORT of HB 2540, HD1 which limits state and federal collaboration in immigration enforcement operations and prohibits the deputization of federal agents for general policing.

At its core HB 2540 HD1 is about preserving Hawaii’s constitutional autonomy, protecting residents from civil rights violations, and ensuring that the State does not entangle itself—legally, financially, or morally—in federal enforcement schemes that are opaque, discriminatory, and increasingly unaccountable.

Across the country, states and local governments have learned—often through costly litigation—that cooperation with federal law enforcement is not neutral. When state or county agencies lend personnel, data, facilities, or credibility to federal operations, they also absorb the downstream consequences: exposure to civil liability, erosion of community trust, and complicity in actions that violate constitutional norms. HB 2540 HD1 reflects a decision to draw principled boundaries around such cooperation.

**I. Non-Cooperation is a Lawful and Necessary Exercise of State Power**

HB 2540 HD1 rests squarely on the anti-commandeering doctrine, a foundational principle of American federalism. The United States Supreme Court has repeatedly held that while the federal government may enforce federal law, it may not compel states to use their resources, officers, or political subdivisions to do so. In *New York v. United States*, the Court made clear that Congress may not “commandeer the legislative processes of the States.”<sup>i</sup> In *Printz v. United States*, the Court extended that principle to state executive officials, holding that the federal government may not 1 require state officers to administer or enforce a federal regulatory program.<sup>ii</sup> These cases do not describe an exception; they articulate a structural protection of liberty.

Immigration enforcement is federal, governed by shifting priorities that state governments neither control nor supervise. When states entangle themselves in those efforts, they surrender authority over how their residents are policed while remaining legally liable. HB HD1 affirms that Hawai‘i will not be commandeered into service of federal programs that it does not direct and cannot meaningfully oversee.

Federal courts have consistently upheld this choice. In *United States v. California*, the Ninth Circuit reaffirmed that states are under no obligation to assist with federal immigration enforcement and may affirmatively restrict the use of state resources for that purpose without violating the Supremacy Clause.<sup>iii</sup> HB 2540 HD1 reiterates this.

## II. Cooperation with Abusive Federal Actors Creates Real and Predictable Liability

The risks of cooperation are neither speculative nor abstract. Courts have repeatedly found that Immigration and Customs Enforcement (“ICE”) agents have engaged in unconstitutional conduct, such as warrantless arrests, prolonged detention without probable cause, racial profiling, and retaliation against protected speech. When state agencies assist in these operations—by honoring detainers or embedding officers—they invite liability under both federal and state law.

In *Miranda-Olivares v. Clackamas County*, for example, a federal district court held that a county violated the Fourth Amendment by detaining an individual at ICE’s request without probable cause.<sup>iv</sup> Numerous jurisdictions have paid significant settlements or judgments arising directly from cooperation with ICE requests later deemed unlawful.

HB 2540 HD1 is a prophylactic measure, reducing the likelihood that Hawai‘i agencies will need to defend unconstitutional conduct at the taxpayer’s expense.

## III. Deputization and 287(g) Agreements Are Especially Dangerous

HB 2540 HD1 is particularly important in rejecting deputization arrangements and 287(g)-style cooperation. Section 287(g) of the Immigration and Nationality Act authorizes the federal government to deputize local law enforcement officers to perform civil immigration enforcement functions, often leading to widespread abuse.

By placing local police officers—trained to enforce criminal law—into the role of civil immigration agents, 287(g)-style agreements and memoranda of understanding encourage pretextual policing while blurring lines of accountability. Cooperation 2 also undermines public safety. When residents fear that contact with state or county agencies may expose them to federal immigration enforcement, they may be less likely to report crimes, seek medical care, enroll children in school, or participate as witnesses. The resulting erosion of trust makes communities less safe.

## IV. Federalism Serves as a Shield for Civil Liberties

Federalism is not merely an abstract allocation of power; it is a concrete safeguard for individual rights. When national enforcement policy veers toward repression, state refusal to cooperate is one of the most effective lines of defense for civil liberties.

This principle carries particular force in Hawai‘i as our State Constitution provides broader protections for individual rights than the federal Constitution. The Hawai‘i Supreme Court has recognized that our Constitution is an independent source of rights and that federal constitutional minima do not define the outer bounds of liberty in Hawai‘i. In *State v. Zuffante*, the court reaffirmed that Hawaii’s Constitution may—and often does—offer greater protection than its federal [counterpart](#).<sup>vi</sup> So, even when protections are weakened or eliminated at the federal level, Hawai‘i retains the authority to safeguard civil liberties under its own constitutional framework.

By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD1 ensures that Hawaii’s constitutional commitments are not undermined. HB 2540 HD1 is a prudent response to a federal enforcement landscape that increasingly disregards civil liberties and transparency. By embracing a general position of non-cooperation, rejecting dangerous deputization schemes, and reaffirming the State’s sovereign rights under our federal system, the Legislature can protect Hawai‘i residents while shielding the State from unnecessary legal and financial liability.

Mahalo,

Kanani Kai

Member Indivisible Hawaii

**HB-2540-SD-1**

Submitted on: 4/1/2026 10:07:13 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Tim Huycke          | Individual          | Support                   | Written Testimony<br>Only |

Comments:

As a retired police officer, I very strongly support HB2540. State-certified police officers do not have the authority nor the time to enforce federal law.

Good police officers are proud of what they do, they know they're accountable for their actions to the public they protect and serve, and they're not so afraid of that public that they refuse to identify themselves.

Rogue police officers, however, are afraid of being held accountable for the crimes they commit so they refuse to identify themselves. Decent people should do all we can to deter rogue police officers. Only thugs wear masks.

**HB-2540-SD-1**

Submitted on: 4/2/2026 8:05:10 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Lily Troy MD        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support HB2540 HD2 SD1

By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD1 ensures that Hawaii's constitutional commitments are not undermined.

thanks!

**HB-2540-SD-1**

Submitted on: 4/2/2026 9:17:43 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Marcela Montalto    | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Limiting collaboration with federal enforcement and prohibiting masked officers during operations is a critical step toward protecting civil rights, transparency, and public trust. Requiring officers to be clearly identifiable helps prevent impersonation, reduces fear in communities, and ensures accountability when authority is exercised. This measure keeps local resources focused on community safety while promoting openness and lawful oversight.

**HB-2540-SD-1**

Submitted on: 4/2/2026 8:37:21 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| James E Raymond     | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Thank you. I am a member of Indivisible Windward.

**HB-2540-SD-1**

Submitted on: 4/2/2026 11:30:28 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Gail Morrison       | Individual          | Support                   | Written Testimony Only |

Comments:

By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD1 ensures that Hawaii’s constitutional commitments are not undermined. HB 2540 HD1 is a prudent response to a federal enforcement landscape that increasingly disregards civil liberties and transparency. By embracing a general position of non-cooperation, rejecting dangerous deputization schemes, and reaffirming the State’s sovereign rights under our federal system, the Legislature can protect Hawai‘i residents while shielding the State from unnecessary legal and financial liability.

As an individual and member of Indivisible Hawaii, I strongly support this bill.

Mahalo, Gail Morrison, Honolulu

**HB-2540-SD-1**

Submitted on: 4/3/2026 10:32:44 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Judith White        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Please pass; this is important for safe and responsible policing.

Judith White, Kapaa

Member, Kauai Indivisible

**HB-2540-SD-1**

Submitted on: 4/3/2026 11:06:55 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| David Ball          | Individual          | Support                   | Written Testimony Only |

Comments:

Dear Chair Rhoads and Vice-Chair Gabbard,

I am writing in strong support of HB2540. We have seen alarming national coverage of the dangers that anonymity can have for our law enforcement officials, many of whom serve our communities bravely and responsibly. The reckless actions of this federal administration, however, demand that we strive for absolute transparency and accountability from those pledged to enforce our laws. This bill has my strong support, and will only strengthen our community's faith and trust in our local law enforcement officers as well. Mahalo nui loa for your and the committee's strong support of good government, ethics, and accountability legislation throughout this session.

Sincerely yours,

David Ball

Waialae-Kahala

**HB-2540-SD-1**

Submitted on: 4/3/2026 11:14:40 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| lynne matusow       | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I am a citizen. I was born in the United States. It is a shame that it has come to this. But after watching ICE and the rest of Trump's goons in Minneapolis, I believe that this bill is necessary law. I strongly support HB2540 and ask you to move it forward.

lynne matusow

**HB-2540-SD-1**

Submitted on: 4/3/2026 12:33:55 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Jesse Hutchison     | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I'm writing in strong support. Thank you!

**HB-2540-SD-1**

Submitted on: 4/3/2026 2:13:27 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Brodie Lockard      | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I support this bill.

**HB-2540-SD-1**

Submitted on: 4/3/2026 5:02:43 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| john savino         | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I SUPPORT HB2540 - limit collaboration with feds, prohibit mask

**HB-2540-SD-1**

Submitted on: 4/4/2026 10:07:54 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| Submitted By | Organization | Testifier Position | Testify                |
|--------------|--------------|--------------------|------------------------|
| Jane Aquino  | Individual   | Support            | Written Testimony Only |

Comments:

**Federalism is not merely an abstract allocation of power; it is a concrete safeguard for individual rights. When national enforcement policy veers toward repression, state refusal to cooperate is one of the most effective lines of defense for civil liberties.**

**This principle carries particular force in Hawai‘i as our State Constitution provides broader protections for individual rights than the federal Constitution. The Hawai‘i Supreme Court has recognized that our Constitution is an independent source of rights and that federal constitutional minima do not define the outer bounds of liberty in Hawai‘i. In *State v. Zuffante*, the court reaffirmed that Hawaii’s Constitution may—and often does—offer greater protection than its federal counterpart.vi So, even when protections are weakened or eliminated at the federal level, Hawai‘i retains the authority to safeguard civil liberties under its own constitutional framework.**

**By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD1 ensures that Hawaii’s constitutional commitments are not undermined. HB 2540 HD1 is a prudent response to a federal enforcement landscape that increasingly disregards civil liberties and transparency. By embracing a general position of non-cooperation, rejecting dangerous deputization schemes, and reaffirming the State’s sovereign rights under our federal system, the Legislature can protect Hawai‘i residents while shielding the State from unnecessary legal and financial liability.**

I absolutely OPPOSE masking of ICE officers.

Thank you, Jane Aquino. Indivisible Hawaii

**HB-2540-SD-1**

Submitted on: 4/4/2026 1:37:51 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Jessica Kuzmier     | Individual          | Support                   | Written Testimony Only |

Comments:

Aloha, I am writing in support of HB2540.

I believe that codifying that is against state law for law enforcement to be masked is a good idea. I have wondered how people are supposed to tell the difference between unidentified, masked law enforcement personnel from a criminal who intends them harm. I also believe it is vitally important that we stipulate in state law that state and county law enforcement should not be recruited to assist with immigration concerns, as well as not protect immigration officers over citizen nonviolent protesters. I believe that our local law enforcement's job is to protect us here in Hawaii. On this note, I also believe I agree that immigration status should not come up in any dealings between the local law enforcement and the public.

Mahalo for your consideration.

Eileen Cain  
720 Mahi'ai St., Apt. E  
Honolulu, Hawai'i 96826-5635  
eileencaïn808@gmail.com  
April 4, 2026

Senator Karl Rhoads, Chair, Senate Committee on Judiciary  
Senator Mike Gabbard, Vice Chair  
and Members of the Senate Committee on Judiciary

Aloha, Senators,

**I am submitting this testimony in Favor of HB2540 HD2 SD1, Relating to Law Enforcement**

We citizens need a law that protects us from intrusion by immigration agents into our schools, houses of worship, and hospitals. Houses of worship need to continue to be off-limits to immigration agents as people engage in religious practices, which is their right under the First Amendment of the Constitution. Children need to be safe at their schools. They must not be used as "bait" to draw their parents into a vulnerable position. Libraries need to be secure and free places of learning. People who are ill and receiving health care, including those who are hospitalized, need to be protected, too.

As the bill states, "it is necessary to establish clear policies and limits on federal immigration enforcement occurring within the State." Law enforcement officers in Hawai'i must be required to respect and uphold all laws related to **Due Process and any other aspects of residents' civil rights. Limits are needed regarding what Hawai'i law enforcement officers may do when it comes to collaborating with federal agents. Human rights must be respected.**

I am haole (caucasian) and have lived in Hawai'i for nearly 50 years; I embrace diversity and oppose white-supremacist behavior that is playing out in the US.

**Please approve HB2540 HD2 SD1.**

Mahalo,

Eileen Cain,  
Mō'ili'ili, Honolulu, Hawai'i

**HB-2540-SD-1**

Submitted on: 4/5/2026 6:07:29 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>         |
|---------------------|---------------------|---------------------------|------------------------|
| Michelle Bonk       | Individual          | Support                   | Written Testimony Only |

Comments:

And a supporter of Hawai'i ACLU and a member of Indivisible Hawai'i, I continue to strongly support this bill.

By limiting state participation in federal enforcement schemes that threaten due process, equal protection, and expressive freedom, HB 2540 HD1 ensures that Hawaii's constitutional commitments are not undermined. HB 2540 HD1 is a prudent response to a federal enforcement landscape that increasingly disregards civil liberties and transparency. By embracing a general position of non-cooperation, rejecting dangerous deputization schemes, and reaffirming the State's sovereign rights under our federal system, the Legislature can protect Hawai'i residents while shielding the State from unnecessary legal and financial liability.

COMMITTEE ON JUDICIARY  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

HEARING:

Tuesday, April 7, 2026 at 10:15 am  
Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF HB 2540, HD2, SD1 - RELATING TO LAW ENFORCEMENT.

Aloha Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Christine Andrews and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years and a founding coalition member of El Pueblo en Acción (EPA) Maui — The People in Action Maui. I am writing in **strong support of HB 2540, HD2, SD1**, which prohibits, with certain exceptions, the use of facial coverings and requires visible identification by law enforcement officers and their vehicles in the performance of their duties; requires state and county law enforcement agencies to establish policies regarding state and county cooperation with federal civil immigration enforcement; prohibits law enforcement officers from prolonging a stop to inquire about a person's civil immigration status; and establishes criminal offenses for use of a mask or facial covering by a law enforcement officer, lack of visible identification, and unauthorized civil immigration interrogation.

I currently volunteer as a Know Your Rights and constitutional protector trainer and educator statewide. I have helped train teachers and students, business owners and union members, faith leaders and health care providers, parents and senior citizens on what their constitutional rights are, that these rights apply to all within the United States, regardless of citizenship status, and how to ensure these rights are not violated. I have also trained them how to prepare themselves, their staff, and their places of work and community service for interactions with federal agents.

The images we see on the news and in social media of aggressive, untrained, and violent unmasked, unbadged persons attacking citizens and noncitizens alike is eroding trust in law enforcement and our government. In my capacity as a volunteer educator, I have heard concerns that victims of sexual and domestic violence, some of our most vulnerable community members, are afraid to call local law enforcement for assistance because they now do not trust law enforcement. I have heard from health care providers that fear of lawless, violent, unmasked and unidentified persons is making people afraid to leave their homes to seek necessary medical care.

As a lawyer with an understanding of the Constitution and who has taken an oath to uphold it and the rule of law, what I am witnessing nationwide is chilling. Seeing images of the murder of people engaged in lawful, constitutionally-protected activity has impacted my mental health. As a woman and mother, I am afraid of being targeted by unmasked, unbadged government agents or imposters. I am afraid that they will take my picture and find out who I am, where I live, and come to my house and harm not just myself but my loved ones. Recently during a training I was conducting, an audience member asked what constitutional observers like me can do to protect themselves from being targeted by federal agents. I said that there really is not much we can do other than rely on our community, document the truth, and hope that the courts and the law will protect us as we peaceably engage in constitutionally-protected activity. Our fear is justified based on the unlawful and violent behavior we are witnessing from federal agents. That is why bills like this are so important.

Federal agents take photos of people and use name-recognition software to identify them. They take photos of license plates to learn the identity of and track constitutional observers as well as noncitizens. I would ask that this bill be amended to ensure that law enforcement does not share

license-plate identifying or tracking technology data with federal agents engaged in civil immigration enforcement. It would be one protective step that could help protect not just me, I have chosen to assume the risk, but my family members who live with me. I should not have to fear hostile and lawless agents tracking my activities and endangering the community members I serve. The goal of the administration is to frighten people into silence. I almost hesitated to submit testimony in support of this bill for fear of retaliation. This is how far we have fallen in the direction of authoritarianism, that people like me fear speaking up for basic, civil protections such as unmasked and properly-identified federal agents. Fortunately, I am not alone. Recently, over 200,000 people participated in the No Kings Coalition held an Eyes on ICE: Document and Record national training call and over 30,000 people have been trained as constitutional-observers in Minnesota since the federal “surge” there.

I have chosen to stand up for and protect my neighbors and community members. People like me are being killed for it. Yet I am undeterred by the deaths of Renne Goode and Alex Pretti. I am inspired, and millions are standing alongside me. The government agents who killed Alex Pretti felt empowered to engage in violence openly and with impunity because they felt protected from accountability because they were masked and unidentified. This bill provides important protection for volunteers like me and for community members who no longer trust their law enforcement agents of any kind.

**I request that you support HB 2540, HD2, SD1** to help restore rule of law, instill respect on the part of law enforcement, and rebuild trust in government.

Thank you for siding with your community on this issue.

Mahalo,

Christine L. Andrews, J.D.  
EPA Maui Coalition

**HB-2540-SD-1**

Submitted on: 4/5/2026 10:53:04 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Younghee Overly     | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Thank you for this opportunity to support HB2540.

Younghee Overly, a member of Indivisible Hawaii

**HB-2540-SD-1**

Submitted on: 4/5/2026 11:51:27 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| Submitted By  | Organization | Testifier Position | Testify                |
|---------------|--------------|--------------------|------------------------|
| Thaddeus Pham | Individual   | Support            | Written Testimony Only |

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and JDC Committee Members,

As a citizen concerned with safety in Hawai‘i, I write in **strong support of HB2540 HD2 SD1**, which bans extreme masking by law enforcement, requires that officers visibly identify themselves, and limits state and county law enforcement’s cooperation with federal immigration enforcement.

What can seem like an issue only on the mainland is affecting our local communities. In my work, I hear the stories about federal agents are taking our immigrant neighbors. In Hawai‘i, we have seen this occur in Kaua‘i, for example.

We are all less safe when masked agents are in our streets. When people fear law enforcement, they are less likely to report crimes, seek help, or cooperate with law enforcement. Additionally, the lack of identification makes it difficult for ordinary people, local law enforcement, and public officials to differentiate genuine law enforcement actions from impersonators exploiting the situation to harm our community members. It also makes it difficult to identify who is behind operations that may employ aggressive tactics, result in constitutional violations, or cause community harm.

We must also prevent our local law enforcement from being co-opted into federal law enforcement operations that are ripping our neighbors away from their families and hurting our communities. Our state and local policies should ensure our law enforcement agencies do not support this gross federal overreach.

Please pass **HB2540 HD2 SD1** to protect the rights and safety of all people in Hawai‘i.

Mahalo,

Thaddeus Pham

**HB-2540-SD-1**

Submitted on: 4/6/2026 12:00:10 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Lynn Otaguro        | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I strongly support this measure.

**HB-2540-SD-1**

Submitted on: 4/6/2026 8:12:33 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| Submitted By     | Organization | Testifier Position | Testify                |
|------------------|--------------|--------------------|------------------------|
| Diann Karin Lynn | Individual   | Support            | Written Testimony Only |

Comments:

**HB2540 HD2 SD1 — Civil Immigration Enforcement Policy / Visible ID + Written Policies + No Prolonged Stops + Criminal Offenses**

I am a strong supporter of the Legal Clinic in their campaign for immigrant justice and defense of due process for all.

The first and most important responsibility of government is to protect its people – citizen and immigrant, legal or no – against all enemies, foreign and domestic. Protection of constitutional rights – Federal and State – is paramount.

I am writing in PARTICULAR SUPPORT of this expanded SD version of the bill, because it

- Adds facial covering prohibition and visible identification requirements.
- Requires written agency policies on state-federal civil immigration cooperation.
- Ensures no prolonged stops for civil status.
- Provides for Criminal offenses.
- Establishes that every agency must publicly post written, civil immigration enforcement policies.

This bill provides the most comprehensive accountability framework in the legislature’s critical immigration protection package, combining standards, policies, and criminal enforcement. **PLEASE VOTE AYE AND FAST TRACK THIS BILL TO THE GOVERNOR’S DESK.**

Mahalo  
Diann K Lynn  
Mō’ili’ili

**HB-2540-SD-1**

Submitted on: 4/6/2026 9:54:03 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b>   | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|-----------------------|---------------------|---------------------------|---------------------------|
| Doris Segal Matsunaga | Individual          | Support                   | Written Testimony<br>Only |

Comments:

I strongly support this measure

Doris Segal Matsunaga

Waimea, Hawaii Island

**LATE**

**HB-2540-SD-1**

Submitted on: 4/6/2026 10:18:16 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| Submitted By      | Organization | Testifier Position | Testify                |
|-------------------|--------------|--------------------|------------------------|
| Christian Marquez | Individual   | Support            | Written Testimony Only |

Comments:

**Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,**

**My name is Christian Marquez, and I submit this testimony in support of HB2540 HD2 SD1, which prohibits (with exceptions) facial coverings and requires visible identification by law enforcement officers and their vehicles, requires state and county law enforcement agencies to establish written policies on cooperation with federal civil immigration enforcement, prohibits officers from prolonging stops to determine civil immigration status, and establishes criminal offenses for facial covering violations, lack of visible identification, and unauthorized civil immigration interrogation.**

**HB2540 HD2 SD1 — significantly strengthened by the Senate PSM/EIG amendment — is now the most comprehensive accountability framework in the Campaign for Immigrant Justice package. By combining visible ID and facial covering standards with written policy requirements and a prohibition on prolonging stops for civil immigration status, the bill addresses both the day-to-day encounters communities fear most and the structural accountability gaps that allow civil immigration enforcement to become embedded in local policing. Criminal offense provisions make these standards real: violations are prosecutable, not dismissible.**

**When immigrant and mixed-status families know that local officers cannot turn a routine traffic stop into a civil immigration interrogation, and that every agency must publicly post its policies on state-federal cooperation, the relationship between community and law enforcement improves. Having passed the House and Senate PSM/EIG, this bill comes before Senate Judiciary for the final policy committee vote before the floor.**

**For these reasons, I respectfully request that the Committee PASS HB2540 HD2 SD1.**

**Mahalo for the opportunity to provide testimony.**

**Sincerely,**

**Christian Marquez**

**Testimony of In SUPPORT of HB2540 HD2 SD1**

Senate Committee on Judiciary (JDC)

Chair: Sen. Karl Rhoads

Vice Chair: Sen. Mike Gabbard

Hearing Date: April 7, 2026

**LATE**

Dear Chair Karl Rhoads, Vice Chair Mike Gabbard, and members of the Committee on Judiciary,

My name is Jeremiah Brown, and I submit this testimony in **support of HB2540 HD2 SD1**, which prohibits (with exceptions) facial coverings and requires visible identification by law enforcement officers and their vehicles, requires state and county law enforcement agencies to establish written policies on cooperation with federal civil immigration enforcement, prohibits officers from prolonging stops to determine civil immigration status, and establishes criminal offenses for facial covering violations, lack of visible identification, and unauthorized civil immigration interrogation.

In Minnesota and elsewhere, we have witnessed how the ICE and Border Patrol have been employing secret police tactics, including ordering masked law enforcement agencies and military troops into cities. Federal agents are terrorizing our immigrant neighbors.

HB2540 HD2 SD1, which has been significantly strengthened by the Senate PSM/EIG amendment, is now the most comprehensive accountability framework in the Campaign for Immigrant Justice package. By combining visible ID and facial covering standards with written policy requirements and a prohibition on prolonging stops for civil immigration status, the bill addresses both the day-to-day encounters communities fear most and the structural accountability gaps that allow civil immigration enforcement to become embedded in local policing. Criminal offense provisions make these standards real: violations are prosecutable, not dismissible.

When immigrant and mixed-status families know that local officers cannot turn a routine traffic stop into a civil immigration interrogation, and that every agency must publicly post its policies on state-federal cooperation, the relationship between community and law enforcement improves. Having passed the House and Senate PSM/EIG, this bill comes before Senate Judiciary for the final policy committee vote before the floor.

For these reasons, I respectfully request that the Committee **PASS HB2540 HD2 SD1**.

Mahalo for the opportunity to provide testimony.

Sincerely,

Jeremiah Brown  
Waialua, Oahu

**LATE**

**HB-2540-SD-1**

Submitted on: 4/6/2026 4:55:21 PM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Michaela Alcaraz    | Individual          | Support                   | Written Testimony<br>Only |

Comments:

Good Morning/Afternoon Chair Rhoads, Vice Chair Gabbard, and Members of the Committee,

My name is Michaela, and I live in Hanamā‘ulu, Kaua‘i.

I am in support of, and respectfully urge you to also support, HB 2540.

Mahalo nui loa for your time and consideration.

**LATE**

**HB-2540-SD-1**

Submitted on: 4/7/2026 7:38:33 AM

Testimony for JDC on 4/7/2026 10:15:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Testify</b>            |
|---------------------|---------------------|---------------------------|---------------------------|
| Judith Mura         | Individual          | Support                   | Written Testimony<br>Only |

Comments:

STRONGLY SUPPORT HB 2540 HD2 SD1