
A BILL FOR AN ACT

RELATING TO CIVIL RIGHTS.

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

1 SECTION 1. Chapter 52D, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§52D- Biased-based policing. (a) No police officer
5 or police department shall engage in any of the following:

6 (1) Biased-based policing;

7 (2) The detainment of an individual based on any
8 noncriminal factor or combination of noncriminal
9 factors, unless pursuant to court order; or

10 (3) The use of department moneys, equipment, or personnel
11 for the purpose of detecting or apprehending any
12 person whose only violation of law is being a
13 noncitizen residing in the United States in violation
14 of federal immigration laws, except as otherwise
15 required by federal law.

16 (b) The department of the attorney general shall enforce
17 this section pursuant to its prosecutorial, investigative, and
18 public education powers under chapter 28.



1 (c) As used in this section, the following terms shall
2 mean as follows:

3 "Biased-based policing" means the practice of a police
4 officer or police department, relying, to any degree, on actual
5 or perceived race, ethnicity, national origin, immigration or
6 citizenship status, sexual orientation, gender identity, or
7 religion in selecting which individual to subject to routine or
8 spontaneous law enforcement activity following the initial
9 contact. "Biased-based policing" shall include the use of
10 racial or ethnic stereotypes as factors in selecting whom to
11 stop and search, but shall not include reliance on trustworthy
12 individualized information, relevant to the locality and
13 timeframe, that links a person of a particular race, ethnicity,
14 national origin, sexual orientation, gender identity, or
15 religion to an identified criminal incident or scheme.

16 "Law enforcement activity" means activities performed by
17 police officers including but not limited to non-custodial
18 questioning, interviews, traffic stops, check point or roadblock
19 stops, pedestrian stops, frisks and other types of body
20 searches, consensual and nonconsensual searches of persons or
21 the property of persons, home searches, and contact with
22 potential victims of and witnesses to crimes.



1 "Police department" means any county police department or
2 county public body that employs law enforcement officers.

3 "Police officer" means any public servant employed by a
4 county, vested by law with a duty to maintain public order or to
5 make arrests for offenses or to enforce the criminal laws,
6 whether that duty extends to all offenses or is limited to a
7 specific class of offenses."

8 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§353C- Biased-based policing. (a) Neither the
12 department nor any public safety officer shall engage in any of
13 the following:

- 14 (1) Biased-based policing;
- 15 (2) The detainment of an individual based on any
16 noncriminal factor or combination of noncriminal
17 factors, unless pursuant to court order; or
- 18 (3) The use of department moneys, equipment, or personnel
19 for the purpose of detecting or apprehending any
20 person whose only violation of law is being a
21 noncitizen residing in the United States in violation



1 of federal immigration laws, except as otherwise
2 required by federal law.

3 (b) The department of the attorney general shall enforce
4 this section pursuant to its prosecutorial, investigative, and
5 public education powers under chapter 28.

6 (c) As used in this section, the following terms shall
7 mean as follows:

8 "Biased-based policing" means the practice of the
9 department or a public safety officer, relying, to any degree,
10 on actual or perceived race, ethnicity, national origin,
11 immigration or citizenship status, sexual orientation, gender
12 identity, or religion in selecting which individual to subject
13 to routine or spontaneous law enforcement activity following the
14 initial contact. "Biased-based policing" shall include the use
15 of racial or ethnic stereotypes as factors in selecting whom to
16 stop and search, but shall not include reliance on trustworthy
17 individualized information, relevant to the locality and
18 timeframe, that links a person of a particular race, ethnicity,
19 national origin, sexual orientation, gender identity, or
20 religion to an identified criminal incident or scheme.

21 "Law enforcement activity" means activities performed by
22 public safety officers including but not limited to non-



1 custodial questioning, interviews, traffic stops, check point or
2 roadblock stops, pedestrian stops, frisks and other types of
3 body searches, consensual and nonconsensual searches of persons
4 or the property of persons, home searches, and contact with
5 potential victims of and witnesses to crimes."

6 SECTION 3. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Civil Rights; Attorney General; Biased-based Policing

Description:

Prohibits biased-based policing by law enforcement agencies and agents. Establishes the Department of the Attorney General as the enforcing agency. (HB52 HD1)

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