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# 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 or  
5 police department shall engage in any of the following:

6           (1) Biased-based policing;

7           (2) The pattern or practice of conduct that deprives any  
8 person of rights, privileges, or immunities secured or  
9 protected by the Constitution or laws of the United  
10 States or by the Constitution or laws of Hawaii; or

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



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

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

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

19        "Law enforcement activity" means activities performed by  
20 police officers including but not limited to non-custodial  
21 questioning, interviews, traffic stops, check point or roadblock  
22 stops, pedestrian stops, frisks and other types of body



1 searches, consensual and nonconsensual searches of persons or  
2 the property of persons, home searches, and contact with  
3 potential victims of and witnesses to crimes.

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

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

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

14 "§353C- Biased-based policing. (a) Neither the  
15 department nor any public safety officer shall engage in any of  
16 the following:

- 17 (1) Biased-based policing;
- 18 (2) The pattern or practice of conduct that deprives any  
19 person of rights, privileges, or immunities secured or  
20 protected by the Constitution or laws of the United  
21 States or by the Constitution or laws of Hawaii; or



1       (3) The use of department moneys, equipment, or personnel  
2       for the purpose of detecting or apprehending any  
3       person whose only violation of law is being a  
4       noncitizen residing in the United States in violation  
5       of federal immigration laws, except as otherwise  
6       required by federal law.

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

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

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



1 national origin, sexual orientation, gender identity, or  
2 religion to an identified criminal incident or scheme.

3 "Law enforcement activity" means activities performed by  
4 public safety officers including but not limited to non-  
5 custodial questioning, interviews, traffic stops, check point or  
6 roadblock stops, pedestrian stops, frisks and other types of  
7 body searches, consensual and nonconsensual searches of persons  
8 or the property of persons, home searches, and contact with  
9 potential victims of and witnesses to crimes."

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on January 1, 2050.



**Report Title:**

Civil Rights; Attorney General; Biased-based Policing

**Description:**

Prohibits biased-based policing by state and county law enforcement agencies and agents. Establishes the Department of the Attorney General as the enforcing agency. Effective 1/1/50. (SD1)

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

