

STAND. COM. REP. NO.

2159

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 2290
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2290, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prohibit state and county law enforcement agencies from complying with federal immigration detainers or honoring requests for non-public information unless specifically required to do so by a warrant signed by a judge or federal, state, or local law.

Your Committee received testimony in support of this measure from IMUAlliance; Hawaii J-20+; Hawai'i State Democratic Women's Caucus; Planned Parenthood Votes Northwest and Hawaii; 808RAN, Filipino American Citizens League; Ho'omana Pono, LLC; Nursing Advocates and Mentors, Inc.; and thirty-two individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the County of Maui and five individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that there is no affirmative duty strictly provided in federal law for state and local law enforcement agencies to collect information regarding citizenship or immigration status of any individual or to participate in federal immigration enforcement actions unless required by a



warrant, court order, or specific provision of law. Under existing law, state and local law enforcement agencies may cooperate with federal immigration enforcement activities at the discretion of the agency. This measure prohibits state and local law enforcement agencies from complying with federal immigration detainers or honoring requests for non-public information unless specifically required to do so by law or warrant. Your Committee notes concerns raised by the testimony of the Department of the Attorney General regarding vague or ambiguous terminology, and specifically encourages discussion on the potential definition of "non-public information" as this measure progresses.

Your Committee has amended this measure by:

- (1) Clarifying that law enforcement agencies may disclose information, not limited to an individual's criminal arrest or convictions, where permitted by state law or required pursuant to subpoena or court order;
- (2) Requiring law enforcement agencies to allow access to individuals in custody in the same circumstances in which the law enforcement agency would be required to honor requests for information under this measure; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2290, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2290, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

| | | | | | |
|---|--|---------------------------|---|---------------------------------------|---|
| Bill / Resolution No.:* <i>SB2290, SDI</i> | Committee Referral: <i>PSM, JDC</i> | Date: <i>2/27/2018</i> | | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | | |
| The Recommendation is: | | | | | |
| <input type="checkbox"/> Pass, unamended 2312 | | | <input checked="" type="checkbox"/> Pass, with amendments 2311 | <input type="checkbox"/> Hold 2310 | <input type="checkbox"/> Recommit 2313 |
| Members | Aye | Aye (WR) | Nay | Excused | |
| TANIGUCHI, Brian T. (C) | ✓ | | | | |
| RHOADS, Karl (VC) | ✓ | | | | |
| GABBARD, Mike | | ✓ | | | |
| KIM, Donna Mercado | ✓ | | | | |
| THIELEN, Laura H. | ✓ | | | | |
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| TOTAL | <i>4</i> | <i>1</i> | <i>0</i> | <i>0</i> | |
| Recommendation: | | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | | |
| Chair's or Designee's Signature: <i>Karl Rhoads</i> | | | | | |
| Distribution: | | | | | |
| Original File with Committee Report | Yellow Clerk's Office | Pink Drafting Agency | Goldenrod Committee File Copy | | |

*Only one measure per Record of Votes