

HAWAII CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 15, 2015
Rm. 325, 2 p.m.

To: The Honorable Scott Y. Nishimoto, Chair
Members of the House Committee on Judiciary

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawaii Civil Rights Commission

Re: H.B. No. 1994, H.D.1

The Hawaii Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawaii's laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawaii constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

The HCRC supports H.B. No. 1994, H.D.1, establishing that Hawaii is a Ho'okipa (Welcoming) state, and enacting a new HRS chapter affirming that immigration enforcement is a federal function and that Hawaii should not expend state or local government law enforcement resources or have state and local law enforcement officers deputized to enforce federal immigration laws.

Article I, section 5 of the Hawaii Constitution provides:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, ***nor be denied the enjoyment of the person's civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.***

(emphasis added).

This Hawaii constitutional civil rights provision, which has no counterpart in the U.S. Constitution, protects all the people of Hawaii, ***without regard to citizenship or immigration status.*** Similarly, our state civil rights statutes prohibit discrimination in employment, housing, public accommodations, and state-funded services, without regard to citizenship or immigration status.

In civil rights law enforcement, as in criminal law enforcement, we all benefit when all persons are protected by the law, and therefore not chilled from coming forward to complain of or bear witness to

violations of the law. Our collective rights are diminished and justice is denied when a minority is excluded from civil rights and protection of the law, creating an underclass that can be exploited, intimidated, and attacked with impunity, to the detriment of our shared values and respect for human dignity.

It is important for us, at every level, to do our part to be vigilant in protecting civil rights and human dignity of every person in Hawai'i, regardless of citizenship or immigration status.

HB-1994-HD-1

Submitted on: 2/13/2018 4:26:52 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Oppose	No

Comments:

The Department of the Prosecuting Attorney, County of Maui, OPPOSES HB 1994, HD 1 - Relating to Law Enforcement. The Department believes that this measure runs counter to law enforcement functions. In addition, this measure does not protect state and county law enforcement agencies from liability if a person who should have been held on an immigration detainer is released pursuant to this measure and the person victimizes members of the public. The Department requests that this measure be HELD.

Thank you very much for the opportunity to this testimony.

HB-1994-HD-1

Submitted on: 2/13/2018 5:14:54 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Susan J. Wurtzburg	American Association of University Women, Hawaii	Support	No

Comments:

Aloha Chair, Vice Chair, and Committee Members,

AAUW-Hawaii strongly supports this bill.

Thank you for the opportunity to submit testimony.

Mahalo,

Susan J. Wurtzburg, Ph.D.

Policy Chair (AAUW-Hawaii)

HB-1994-HD-1

Submitted on: 2/13/2018 6:28:20 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Pat McManaman	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/13/2018 8:07:09 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Fia	Individual	Oppose	No

Comments:



Testimony of Hawaii J-20+
Supporting HB 1994 HD 1 with an amendment
House Committee on Judiciary
February 15, 2018 at 2:00 p.m. in Conference Room 325

Hawaii J-20+ is a grassroots organization committed to preserving constitutional principles and community values.

Thank you for this opportunity to testify in support of HB 1994 HD 1. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants, even though most of the undocumented immigrants in Hawaii have committed no crime arising from their immigration status.

Hawaii has a rich immigrant heritage. Waves of immigrants have come to Hawaii's shores for more than 100 years, determined to work hard to make better lives for themselves and their children. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

Immigrants also played an important role in our nation's history. Yet, the federal administration has adopted perverse immigration policies targeting all undocumented immigrants. Immigrants are undocumented because they either crossed the border without being processed, which is a misdemeanor, or they entered the U.S. on a visa and overstayed their visa, which is a civil matter -- not a crime.

An estimated 11 million undocumented immigrants live in the U.S. Two-thirds of the adult undocumented immigrants have been in the U.S. for 10 years or more. Many have married spouses who are U.S. citizens, and many more have children who are U.S. citizens by birth. The crime rate of undocumented immigrants is 44% below that of native-born U.S. citizens.

The American Immigration Council estimates that 45,000 undocumented immigrants live in Hawaii. About 45% are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes.

President Trump signed an executive order on Jan. 25, 2017, which seeks to deport all undocumented immigrants from the U.S. The executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

By comparison, President Obama was responsible for deporting more than 2 million undocumented immigrants, but he focused on those who had committed serious crimes. President Trump's executive order makes no such distinction.

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation.

For that reason the trust between the police and undocumented immigrants has been severed. Undocumented immigrants are now reluctant to report crimes or suspected crimes to the police, and they are reluctant to come forth as witnesses to crimes. As a result, our communities are less safe for everyone.

Undocumented immigrants are reluctant to report crimes even when they themselves are the victims. Studies show that undocumented women are less likely to report to the police that they have been victims of sexual assault because they fear deportation.

Trust between local law enforcement officers and the people they serve is a necessary element of the community policing model that is designed to advance public safety. It has been promoted by the U.S. Department of Justice, and police departments across the country have adopted it. If local law enforcement officers act as ICE agents, however, it would be impossible to establish necessary trust between local law enforcement officers and undocumented immigrants.

Immigration is a federal function. According to the Tenth Amendment, the federal government may not coerce States or their subdivisions to enforce its regulations or implement its programs. The federal government does not provide states with funding for immigration enforcement. In the interest of community safety, hundreds of cities and counties – and even several states – limit the cooperation of their local law enforcement agencies with ICE.

HB 1994 HD 1 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and the vibrancy of Hawaii's immigrant heritage.

Although we strongly support the thrust of the bill, we have a concern about a portion of the bill that may not respect due process rights guaranteed by the Fourteenth Amendment. Beginning on page 12, line 7, the bill prohibits local law enforcement agencies from complying with a civil immigration detainer from ICE or CPB, but lists exceptions beginning on line 14. We agree that compliance with a detainer alone is appropriate when (1) The individual has been convicted of a felony, or (4) There is probable cause to believe that the individual has or is engaged in terrorist activity. However, in our opinion, (2), (3), (5), and (6) may invite constitutional challenges.

In this regard, the New York State Attorney General issued model legislation in a report entitled, "Guidance Concerning Local Authority Participation In Immigration Enforcement And Model Sanctuary Provisions," dated January 19, 2017. The model legislation includes exceptions to the prohibition against complying with a detainer alone, but it does not include the exceptions in HB 1994 HD 1 for (2), (3), (5), or (6). As such, the bill should be amended to delete these exceptions.

With that amendment, Hawaii J-20+ supports HB 1994 HD 1 and urges the committee to pass it.

HB-1994-HD-1

Submitted on: 2/13/2018 11:35:09 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Gaye Chan	Individual	Support	No

Comments:

My name is Gaye Chab. I am testifying in strong support of HB1994 HD1.

February 13, 2018

House Committee on Judiciary
Representative Scott Y. Nishimoto, Chair
Representative Joy A. San Buenaventura, Vice Chair

RE: HB 1994

Dear Committee on Judiciary,

Thank you for granting this hearing. I am in strong support of Hawaii stepping up to represent a diverse community welcoming of all people regardless of ethnicity, religious beliefs, and country of origin.

The Trump administration has focused on demonizing immigrants, particularly immigrants of color, ignoring America's history founded on welcoming people of all creeds and nationalities. This has furthered division and sowed distrust between communities and law enforcement. Countless families are being disrupted and businesses lost, as with Hawaii's own Magana Ortiz who was forced to deport to Mexico last year, leaving behind his wife, three children, and thriving coffee farm.

Hawaii should take a stand against the rising tide of xenophobia and white nationalism by embracing this Ho'okipa Policy Act. Ensuring that state resources are not used to enforce federal immigration policy will strengthen the entire community by increasing trust, public safety, and access to healthcare and education, while decreasing crime, poverty, and unemployment.

Please support HB 1994. Thank you for the opportunity to submit testimony.

Sincerely,
Jill Yoshicedo

HB-1994-HD-1

Submitted on: 2/14/2018 1:04:17 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
amanda	Individual	Support	No

Comments:

My name is Amanda Patrick. I am testifying in strong support of HB1994 HD1.



46-063 Emepela Pl. #U101 Kaneohe, HI 96744 · (808) 679-7454 · Kris Coffield · Co-founder/Executive Director

**TESTIMONY FOR HOUSE BILL 1994, HOUSE DRAFT 1, RELATING TO LAW
ENFORCEMENT**

**House Committee on Judiciary
Hon. Scott Y. Nishimoto, Chair
Hon. Joy A. San Buenaventura, Vice Chair**

**Thursday, February 15, 2018, 2:00 PM
State Capitol, Conference Room 325**

Honorable Chair Nishimoto and committee members:

I am Kris Coffield, representing IMUAlliance, a nonpartisan political advocacy organization that currently boasts over 400 members. On behalf of our members, we offer this testimony in strong support of House Bill 1994, HD 1, relating to law enforcement.

Immigrants and refugees of all nations have contributed to the health, well-being, and general welfare of Hawai'i as families and neighbors. Similarly, immigrants and refugees of many nations have contributed to the prosperity of Hawai'i as workers and taxpayers. Many of Hawai'i's residents are the descendants of Chinese, Filipino, and Japanese immigrants who came to the islands during the nineteenth and early twentieth centuries to work on plantations. Discrimination based on national origin, race, ethnicity, or religion or perceived national origin, on the other hand, is a chronic aspect of life for immigrant and refugee populations of the United States and a problem faced by immigrants in the islands, as well.

Unfortunately, but unsurprisingly, the number of violent acts against committed against immigrant communities and religious minorities has been rising in recent years, especially in the wake of the 2016 presidential election. Chronic discrimination undergirding and propounded by acts of violence leads to community disengagement, diminished opportunities for integration, increased stigmatization, and greater incidents of health morbidity. Put simply, discrimination and violence is a violation of human rights, civil liberties, and the principles of economic growth. Promoting health, well-being, and general welfare are core obligations of state government. Moreover, individual and societal prosperity require harnessing all of Hawai'i's available labor, skills, and ideas to grow the state's economy and expand opportunities. Every Hawai'i resident

should be treated with compassion and respect regardless of national origin or citizenship status, and given opportunities to succeed.

Legally, the 14th Amendment of the Constitution of the United States guarantees all persons due process, equal protection of the laws. In the case of *Plyler v. Doe* (1982) and reaffirmed in *Zadvydas v. Davis* (2001), the Supreme Court of the United States held that that the Due Process and Equal Protection clauses of the 14th Amendment apply to all persons in the United States whose presence maybe or is unlawful, involuntary or transitory. Section 5 of Article I of the Hawaii State Constitution also guarantees every person due process and equal protection of the laws, and prohibits denying the enjoyment of a person's civil rights based on race, religion, sex or ancestry.

Contravening established legal protections afforded to immigrant populations, President Donald Trump has issued repeated executive orders relating to the deportation of immigrants that expand the definition criminal alien to include individuals who enter the country without authorization or commit acts that constitute any chargeable criminal offense, even if they have not yet been convicted of a crime. On March 6, 2017, the administration of President Donald Trump ordered a ban on immigration from six Muslim majority nations, furthering the current presidential administration's anti-immigrant agenda. That ban has since been legally challenged, to which Trump has responded by revising and expanding its nefarious tenets. The Trump administration's immigration policies have, accordingly, been condemned as harmful by numerous human rights and advocacy organizations, including Human Rights Watch, The Leadership Conference on Civil and Human Rights, the American Civil Liberties Union, and the National Immigration Law Center.

Our aloha spirit demands not only respect for diversity, but defense of people who are under siege for their heritage. Thus, we strongly endorse recognition that immigration is a federal function and this measure's request that local law enforcement agencies decline to work with federal immigration agencies, as well as a restriction of state or county funds by from law enforcement activities that collaborate with ICE or any other federal law enforcement agency in connection with the deportation of undocumented immigrants, including many of the human trafficking victims with whom we work each day and who have been brought to the United States against their will or under false pretenses. We must ensure a safe, secure, and welcoming community for everyone, including immigrants of every status, to promote respectful relations and collaboration between community members and agencies providing public safety services.

Mahalo for the opportunity to testify in support of this bill.

Sincerely,
Kris Coffield
Executive Director
IMUAlliance

My name is Thomas Dye. I am a small business owner, educator, and member of Hawai'i J20+.

I am testifying in strong support of HB 1994, which is based on sanctuary legislation from New York and California.

Although the term "sanctuary" evokes images of a spiritual safe haven, the idea behind sanctuary legislation is solidly practical. Immigration is a federal function that citizens support with the money they pay in taxes to the Internal Revenue Service. However, the federal government routinely deputizes local law enforcement agents to assist in immigration enforcement, even though the federal government does not provide funding to local governments for this purpose. This cooperation means local taxpayers effectively pay twice for immigration enforcement -- once with their federal taxes, and again with their state and local taxes.

Sanctuary legislation instructs local law enforcement agents to decline to cooperate with federal immigration enforcement agencies, except as required by federal law, so taxpayers aren't charged twice. This double-billing is one reason why about 600 municipalities and a handful of states -- most recently California -- have adopted sanctuary legislation.

Here in Hawai'i local law enforcement agents routinely cooperate with federal agencies on immigration issues. One common request, a warrant-less detainer, asks local law enforcement agents to hold an arrested undocumented immigrant at OCCC for 48 hours longer than the allowable 24 hours. Federal judges in other districts have ruled these warrant-less detainers are unlawful. The direct cost to Hawai'i taxpayers for the cooperation of our local law enforcement agents over the last 10 years has been estimated at \$300,000. In addition, holding immigrants on warrant-less detainers contributes to the overcrowding of OCCC, a facility already bursting at the seams.

HB-1994-HD-1

Submitted on: 2/14/2018 7:21:01 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments:

Who would have thought that a people would have to make a law to defend its citizens from the Federal Government? In this day and age, like in the past in Hawai'i, it is important for the people who have been elected to stand up for its people. It is not an easy thing to do but it is important for all of us that we are clear about our policies and thought on protecting those around us.

The first lines of this bill clearly state why we should do so. I am in full support of protecting our citizens of these islands.

HB-1994-HD-1

Submitted on: 2/14/2018 7:47:40 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Loren Bullard	Individual	Support	No

Comments:

To the Judicial Committee,

I am writing in support of HB1994. Stop and frisk methods without cause violates civil liberties and allows police and ICE to violate people's liberties based on racial profiling.

Thank you,

Loren Bullard

HB-1994-HD-1

Submitted on: 2/14/2018 7:54:57 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Bent	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 8:09:15 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Weger	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 8:15:56 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Cody Moniz	Individual	Support	No

Comments:

My name is Cody Moniz, and I am testifying in strong support of HB1994 HD1. We need to #resist this administration at the grassroots level.

Testimony in support HB 1994,hd1 Relating to Law Enforcement and Ho'okipa policy

Testimony submitted by Amy Agbayani, chair

Filipina Advocacy Network (FAN)

3432 B-1 Kalihi St. Honolulu, Hi 96819

I am representing, Filipina Advocacy Network (FAN) in strong support of HB 1994 hd1. FAN advocates for equity, diversity and inclusion. We support this law enforcement bill, providing equity and declaring Hawai'i to be a Ho'okipa (Welcoming) State. This bill expresses our shared values and our aspirations. FAN is very concerned that members of the Filipino community, many who are recent immigrants, will face even more barriers to equal and full participation and fair treatment.

In 1906 fifteen males came from the Philippines to Hawai'i to work on the plantations. Since then thousands of Filipinos, their children and grandchildren have become citizens and residents of the state. Filipinos (alone and mixed) are now the second largest ethnic group in the state (after White/Caucasians). One in four residents of the state are of Filipino ancestry. Since the 1965 amendments to the US Immigration law, Filipinos continue to be the largest immigrant group arriving in the state annually. One estimate is that 40% of the undocumented people in our state are from the Philippines. Many are in mixed status households (a spouse or a child may be a US citizen or legal resident), most are Catholic and some are Muslims. They are our neighbors, colleagues, students, workers, caregivers and taxpayers.

Immigrants (both documented and undocumented) are "crucial" to the welfare of our nation and our state. The 3/9/17 Star Advertiser article based on the Pew Research Center research states that

“America’s workforce will only grow over the next two decades if new immigrants arrive to replace retiring baby boomers...Pew projected that the US working-age (25-64) population will grow to 183 million in 2035 from 173 million in 2015, with new immigrants accounting for all the growth...Without them, the number of working-age Americans would drop to 168 million in 2035. As baby-boomers retire, the number of US born working age adults with US born parents will account for a smaller share of the working-age population: 66 percent in 2035, down from 74 percent in 2015. THE PEW REPORT ECHOES WHAT MANY ECONOMIST HAVE BEEN SAYING: THE U.S. NEEDS IMMIGRANTS TO REPLACE RETIREES, AND AN USUSALLY LARGE SHARE OF WORKING-AGE AMERICANS CHOOSE NOT TO LOOK FOR WORK.”

HB1994 hd1 is inclusive and acknowledges that the contributions of immigrants are part of Hawai’i history and future. We should not use state or city resources to help enforce federal laws that are based on hate and discrimination. This bill will keep families together, help our economy and keep us more secure. Please vote for this bill that calls for sensible law enforcement that is fair and welcoming (Ho’okipa) . Maraming salamat.

HB-1994-HD-1

Submitted on: 2/14/2018 8:24:26 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathan Yuen	Individual	Support	No

Comments:

Dear Chair Scott Nishimoto, Vice-Chair Joy San Buenaventura, and Members of the House Committee on Judiciary,

I strongly support HB1994 HD1 which prohibits state 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 provisions of federal, state, or local law.

Hawaii is the most ethnically diverse state in the United States and with a long tradition of ethnic and racial tolerance that goes back to the Kingdom of Hawaii. This unwavering practice of aloha defines us as a people and set us apart from the rest of the country. We understand and acknowledge that humans are all the same regardless of skin color, hair texture, and other superficial features.

Hawaii is the embodiment of racial and ethnic tolerance and this measure codifies the aloha spirit in law. I strongly support HB1994 HD1 and urge you to pass this measure from your committee.

Sincerely,

Nathan Yuen

HB-1994-HD-1

Submitted on: 2/14/2018 8:41:52 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Don Felix Cervantes	Individual	Support	No

Comments:

My name is Donnie Cervantes. I am testifying in strong support of HB1994 HD1.

HB-1994-HD-1

Submitted on: 2/14/2018 9:09:42 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerrie Littlejohn	Individual	Support	No

Comments:

My name is Kerrie Littlejohn. I am testifying in strong support of HB1994 HD1.

HB-1994-HD-1

Submitted on: 2/14/2018 9:20:50 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Babcock	Individual	Support	No

Comments:

My name is Mary Babcock. I am testifying in strong support of HB1994 HD1.

HB-1994-HD-1

Submitted on: 2/14/2018 9:22:28 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

Dear Rep. Nishimoto, Chair, Rep. San Buenaventura, Vice Chair, and Committee Members:

As public health professional and concerned citizen residing in Hawaii for over 20 years, I fully support HB 1994 that would prohibit local and state law enforcement agencies from conducting law enforcement for Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP).

Immigration enforcement is a federal government responsibility and federal law does not require state and local entities to cooperate with ICE and CBP. Our agencies do not receive any funding for this and we should not use our local and state law enforcement resources for this purpose. For the many reasons stated in the bill, hundreds of cities, counties and states have limited their law enforcement agencies from cooperating with ICE and CBP in this executive order.

Finally, participation by local law enforcement can cause immigrants to be more fearful of assisting law enforcement when crimes are committed or they are seeking to prevent crime in their community. For the same reasons, many immigrants may also avoid seeking appropriate health and social services, causing huge implications for public health in Hawaii.

Most importantly, our state is one where people have sought better lives and are contributing to our economy and communities. As the son of immigrants from Vietnam, I witnessed firsthand the hard work and commitment to bettering themselves and their communities in their new country. Without this opportunity, my parents' sacrifices would not have allowed me to contribute to the health and well-being of Hawaii's diverse communities through my public health work. We should be welcoming to immigrants and this Ho'okipa bill will help us ensure that type of caring community.

I ask that you support HB1944. Thank you for the opportunity to testify.

Thaddeus Pham

HB-1994-HD-1

Submitted on: 2/14/2018 9:47:30 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nancy Marker	Individual	Support	No

Comments:

Dear Rep. Scott Nishimoto, Chair, Rep. Joy A. San Buenaventura, Vice Chair, and Committee Members:

As an interested citizen, I fully support HB 1994, HD 1 that would prohibit local and state law enforcement agencies from conducting law enforcement for Immigration and Customs Enforcement (ICE) and the Customs and Border Protection (CBP).

Immigration enforcement is a federal government responsibility and federal law does not require state and local entities to cooperate with ICE and CBP. Our agencies do not receive any funding for this and we should not use our local and state law enforcement resources for this purpose. For the many reasons stated in the bill, hundreds of cities, counties and states have limited their law enforcement agencies from cooperating with ICE and CBP in this executive order.

Additionally, we could be liable for unlawful practices and detention. State and local agencies must adhere to the Fourth Amendment's prohibition on unreasonable searches and seizures.

Finally, participation by local law enforcement can cause immigrants to be more fearful of assisting law enforcement when crimes are committed or they are seeking to prevent crime in their community. Most importantly, our state is one where people have sought better lives and are contributing to our economy and communities. We should be welcoming to immigrants and this Ho'okipa bill will help us ensure that type of caring community.

I ask that you support H.B. No. 1944, HD 1. Thank you for the opportunity to testify.

Sincerely,

Nancy Marker



Testimony in support of HB 194 hd1 Relating to Law Enforcement
Testimony submitted to: Chair Nishimoto, Vice Chair San Buenaventura
and members of the House Committee on Judiciary.
February 15, 2018 @ 2pm

Submitted by: Faye Kennedy, chair
Hawai'i Friends of Civil Rights
3071 Felix St.
Honolulu, Hawai'i 96816

Hawai'i Friends of Civil Rights (HF CR) strongly supports HB 1994 hd1 declaring Hawai'i to be a Ho'okipa (Welcoming) State and providing for law enforcement. HF CR is committed to equal rights and non-discrimination. HF CR supports this bill because it is consistent with goals for diversity and inclusion of all persons in our state and law enforcement requirements using local resources to enforce federal immigration.

I am painfully aware of historical and current events in our state and in our nation when segments of our society were and are unfairly treated and excluded from full and equal participation. Civil rights for individuals and respect for the many groups that call Hawai'i home, encourages better relationships in a multicultural community, improves our economy, creates a safe environment and enhances our cultural life. We thank our host indigenous Native Hawaiians, immigrants and the children/grandchildren of immigrants for all their sacrifices and for sharing their talents.

Let us learn from historical mistakes and historical successes and accept our responsibilities to protect individuals and groups that are targets of hate. Our state need not actively exclude persons in our community and should not use state resources to enforce federal immigration detainers or honoring requests for non-public information unless specifically required by a warrant signed by a judge or provisions of federal, state or local law. Our history and our future should seek to support individuals and communities who contribute their talents to support their families, strengthen our economy and improve the security of our multicultural state.

I respectfully urge you to support HB 1994 hd1.

HB-1994-HD-1

Submitted on: 2/14/2018 10:26:01 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nandita Sharma	Individual	Support	No

Comments:

Testimony of Nandita Sharma, Associate Professor, Sociology, University of Hawaii at Manoa and Co-Chair, Immigration Committee of Hawaii J20+

Supporting HB 1994,

House Judiciary Committee Hearing

Thank you for this opportunity to testify in support of HB 1994 or the Ho'okipa (welcoming) bill. I have been researching immigration policies and their effects for the last twenty-five years and have published numerous articles and books on the topic. I am a nationally and internationally recognized expert on immigration, especially as it relates to issues of racism, sexism, and nationalism.

I believe that HB 1994 is a reasonable and much-needed response to President Trump's signing of a Jan. 25, 2017 executive order seeking to deport all undocumented immigrants from the United States. Trump's executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

The Hawaii State government has done a truly wonderful – even heroic – job at standing up for justice (and our constitutional rights) by challenging President Trump's executive order on the "Muslim ban." It is time to do the same with Trump's executive order on stepped-up deportation, which mainly (but not only) targets undocumented immigrants.

The vast majority of immigrants who are undocumented are so because they either crossed the border without being processed, *which is a misdemeanor*, or they entered the U.S. on a visa and overstayed their visa, *which is a civil matter -- not a crime*. At the same time, the reported crime rate of undocumented immigrants is 44% below that of citizens born in the U.S.

An estimated 11 million undocumented immigrants live in the U.S. Two-thirds of the adult undocumented immigrants have been in the U.S. for 10 years or more. Many have married spouses who are U.S. citizens, and many more have children who are U.S. citizens by birth.

In Hawaii, the American Immigration Council's estimates that 45,000 undocumented immigrants live in Hawaii. About 45% are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes. In short, undocumented immigrants in Hawaii are an important part of our families and our communities.

Supporting HB 1994 is crucial for a variety of reasons, including the important issue of maintaining the integrity of the judicial process. Numerous reports from law enforcement agencies across the US, as well as agencies working with victims of crime, report that Trump's executive order has raised the level of fear among undocumented immigrants. This heightened fear is largely based on concerns about local police acting as federal ICE agents. Many undocumented immigrants are afraid that any law enforcement official they come into contact may detain them and start the process of deporting them and their loved ones.

This has been amplified with the ICE authorization to enforce deportation orders inside of courthouses (See: ICE Directive Number 11072.1: "Civil Immigration Enforcement Actions Inside Courthouses," issued on January 10, 2018). This directive reverses long-standing ICE protocols to *not* attempt to detain people attending to court business, and especially to not detain people attending non-criminal (e.g., family court, small claims court) proceedings. The trust between the judiciary and undocumented immigrants is being severely eroded by these and other ICE practices.

This is especially dangerous for women who are victims of sexual and/or partner violence. According to an April 30, 2017 report in the *New York Times* (NYT), "since the presidential election, there has been a sharp downturn in reports of sexual assault and domestic violence among Latinos [in Los Angeles], and many experts attribute the decline to fears of deportation." The Chief of the Houston Police Department, Art Acevedo, noted that the number of Latinos reporting rapes in Houston fell by 42.78% in 2017 from the same period in the previous year. The drop, he added, "looks like the beginnings of people not reporting crime" (see <http://www.chron.com/news/houston-texas/houston/article/HPD-chief-announces-decrease-in-Hispanics-11053829.php>).

Los Angeles Police Chief, Charlie Beck, found similar results. Speaking on March 21, 2017, Beck stated that reports of sexual assault and domestic violence made by the city's Latino residents plummeted in 2017 "amid concerns that immigrants in the country illegally could risk deportation by interacting with police or testifying in court" (see: <http://www.latimes.com/local/lanow/la-me-ln-immigrant-crime-reporting-drops-20170321-story.html>). Beck added that reports of sexual assault dropped 25% among the city's Latino population since the beginning of 2017 compared with the same period last year, with reports of male violence against women falling by 10%.

The fear of law enforcement officials by undocumented immigrants was significantly eroded by a February 09, 2017 case in El Paso, where ICE agents arrested a woman as she exited a courtroom where a judge had just granted her a protective order against

the man she said had abused her. “This is not normal,” said Olivia Rodriguez, the executive director of the Los Angeles County Domestic Violence Council. After such actions – actions prompted by Trump’s executive order - Ms. Rodriguez said that women experiencing physical or sexual assaults, “assume that if they call a government entity it’s all connected, that they will be reported to ICE and sent away. So instead they are just taking the abuse” (in NYT, April 30, 2017. See: <https://www.nytimes.com/2017/04/30/us/immigrants-deportation-sexual-abuse.html>).

It does not have to be this way. HB 1994 goes some way in addressing this serious threat to the integrity of the judiciary and to public safety.

Immigration is a federal function. The federal government does not provide states with funding for immigration enforcement. And, according to the US Constitution’s 10th Amendment, the federal government may not coerce States or their subdivisions to enforce its regulations or implement its programs. In the interest of community safety, hundreds of cities and counties – and even several states – limit the cooperation of their local law enforcement agencies with ICE.

HB 1994 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and respects Hawaii’s immigrant communities.

HB 1994 was needed before President Trump’s executive order, but it is needed now more than ever. For the foregoing reasons, I strongly support HB 1994 and urge the committee members to pass it.

HB-1994-HD-1

Submitted on: 2/14/2018 10:33:46 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lois Langham	Individual	Support	No

Comments:

I strongly support HB1994.

HB-1994-HD-1

Submitted on: 2/14/2018 10:36:21 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kayla M Rash	Individual	Support	No

Comments:

I strongly support hb1994!

HB-1994-HD-1

Submitted on: 2/14/2018 11:08:03 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Gellatly	Individual	Support	No

Comments:

Mahalo for considering this vital issue. Thousands of local families are affected by it, and the Ho'okipa bill offers them hope.

Please do not be fooled by claims that HB1994 advocates breaking the law. In fact, it does precisely the opposite — while allowing us to honor traditional Hawaiian values.

There are two ways to approach the matter of undocumented immigration: kind and practical, or not. President Trump has chosen the latter because it is his nature to do so. We have a chance to do better, simply by following the law ourselves.

The Ho'okipa bill requires local law enforcement to remain local — to let federal agents do their job as our police officers do theirs. Forcing local personnel to work with ICE — as Trump would have it — is illegal, as is honoring ICE detainers unsupported by judicial warrants. In these respects, the Ho'okipa bill asks only that we follow the law. To proceed otherwise is unnecessary.

We all have heard of families torn apart by Trump's initiatives. He does not care about their pain. Some of us do. The Ho'okipa bill allows us to honor our consciences. To be practical, as well: Millions of people are living in America without proper paperwork. They have American families, children, homes and jobs. They are more law-abiding than native-born Americans. What is the practical purpose of rounding them up, shipping them off to places they typically left for good reason, and destroying families and lives thereby? Who gains?

Who in Hawaii is willing to throw the first stone? Not me.

HB-1994-HD-1

Submitted on: 2/14/2018 11:17:00 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

TO: Representative Scott Y. Nishimoto, Chair – Committee on Judiciary
Representative Joy A. San Buenaventura, Vice Chair – Committee on Judiciary

DATE: Thursday, February 15, 2018

TIME: 2:00 PM

PLACE: Conference Room 329

Re: **HB 1994, HD 1** **Relating to Law Enforcement**

Position: **Strong Support**

Dear Representative Nishimoto, San Buenaventura, and Committee Members,

Thank you for this opportunity to testify in support of **HB 1994, HD 1**. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants, even though most of the undocumented immigrants in Hawaii have committed no crime arising from their immigration status.

Hawaii has a rich immigrant heritage. Waves of immigrants have come to Hawaii's shores for more than 100 years, determined to work hard to make better lives for themselves and their children. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

The American Immigration Council estimates that 45,000 undocumented immigrants live in Hawaii. About 45% are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes.

President Trump signed an executive order on Jan. 25, 2017, which seeks to deport all undocumented immigrants from the U.S. The executive order also seeks to deputize local police to act as agents of federal immigration enforcement agencies, such as the federal Immigration and Customs Enforcement agency (ICE).

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation.

For that reason, the trust between the police and undocumented immigrants has been severed. Undocumented immigrants are now reluctant to report crimes or suspected crimes to the police, and they are reluctant to come forth as witnesses to crimes. Undocumented immigrants who are victims of sexual assault or domestic violence are

afraid to come forward for help [New York Times article: *Too Scared to Report Sexual Abuse. The Fear: Deportation* by Jennifer Medina 4/30/2017]. As a result, our communities less safe for everyone and our neighbors are suffering in silence from assault and sexual violence.

HB 1994, HD 1 limits the assistance that State and county police provide to federal immigration enforcement agencies, allowing only that which is required by law. This bill helps to maintain community safety and keeps Hawaii's immigrant heritage alive.

As a third-generation immigrant, I strongly support **HB 1994, HD 1** and urge the committee to pass it.

Thank you for the opportunity to testify.

Sincerely,

Cynthia J. Goto

HB-1994-HD-1

Submitted on: 2/14/2018 11:26:05 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dore Minatodani	Individual	Support	No

Comments:

TESTIMONY RE HB 1994, HD 1, RELATING TO LAW ENFORCEMENT

HEARING BEFORE THE HOUSE COMMITTEE ON JUDICIARY

Rep. Scott Y. Nishimoto, Chair

Rep. Joy A. San Buenaventura, Vice Chair

THURSDAY, FEBRUARY 15, 2018

2:00 PM

CONFERENCE ROOM 325

I am Dore Minatodani, writing in favor of HB 1994, HD 1, Relating to Law Enforcement. HB 1994, HD 1 establishes a Ho'okipa Welcoming Policy Act within the Hawai'i Revised Statutes. My testimony reiterates testimony submitted to the House Committee on Public Safety, regarding HB 1994. My support for this bill is based on two factors.

1) HB 1994, HD 1 is practical and mindful of public safety, in anticipating and addressing the corrosive effect that public fear of local law enforcement participating in federal immigration enforcement will have on our community.

2) HB 1994, HD 1 recognizes the federal government's "inflammatory rhetoric and harsh federal policies that vilify immigrants, divide communities and families, and create fear and suspicion among different racial, ethnic, and ancestral groups." I applaud the authors of this bill for making this statement. I also suggest that this Committee further recognize the capricious nature of the federal government's current rhetoric and policies, by amending HB 1994, HD 1 to include language that: a) anticipates other forms of pressure the federal government may place on state and local agencies and law enforcement to cooperate with federal immigration enforcement, and b) provides a mechanism within the Ho'okipa Welcoming Policy Act to address or respond to such pressure.

Most importantly, I suggest that this Committee amend HB 1994, HD 1, to tighten the exceptional circumstances under which local law enforcement may honor federal detainer requests and federal information requests. The language as it stands is too permissive in what it allows in the absence of a judicial warrant, which would be

especially problematic if it came to be perceived as exceptional circumstances under which local law enforcement must cooperate with federal immigration enforcement.

I submit this testimony respectfully, and with thanks for this opportunity to comment.

To: Hawaii State House of Representatives Committee on Judiciary
Hearing Date/Time: Thursday, Feb. 15, 2018, 2:00 p.m.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in support of H.B. 1994,
relating to Health Insurance

Dear Chair Nishimoto and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in support of H.B. 1994, HD1. We support an immigration system that respects the dignity of all people, is based on compassion and common sense, and centers around reuniting families and a road map to citizenship for the undocumented. H.B. 1994 will promote these values by preventing our local law enforcement officers from acting as immigration officers – a practice that causes fear in immigrant communities and prevents them from accessing the services they need.

Our current immigration system dishonors the legacy of freedom, diversity, and opportunity that our ancestors treasured and that made our nation strong. Planned Parenthood stands with immigrants and believes that the goal of our immigration policy should be to protect immigrant youth and families, including their right to access health care without fear of local law enforcement.

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

Sincerely,
Laurie Field
Hawaii Legislative Director

HB-1994-HD-1

Submitted on: 2/14/2018 11:54:02 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kerry Long	Individual	Support	No

Comments:

Aloha Judiciary Committee,

It is critical that we exercise state rights and autonomy and not allow the terror of xenophobia, racism and dehumanizing anti-immigrant rhetoric be operationalized in Hawai'i nei. This is a defining issue of our time and I hope that lawmakers will support this bill and help us to come out on the right side of history.

What I've learned since Trump began to weaponize the instrument of executive orders against members of our communities is the power of law for good. I've been well trained in the opposite, how law is used to oppress and exclude. I urge you to pass HB1994 and establish a legal shield to protect beloved community members from the violence of Trump ideology and policies.

Mahalo for the opportunity to weigh in on this issue.

K. Kamakaoka'ilima Long

HB-1994-HD-1

Submitted on: 2/14/2018 11:55:08 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Reni Soon	Individual	Support	No

Comments:

HB 1994 is inclusive and acknowledges that the contributions of immigrants are part of Hawaii's history and future. We should not use state or city resources to help enforce federal laws that are based on hate and discrimination. We are better than that.

HB-1994-HD-1

Submitted on: 2/14/2018 11:58:40 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erendira Aldana	Individual	Support	No

Comments:

This bill is necessary to help protect what the constitution makes clear: federal government may not coerce States or their subdivisions to conduct immigration functions. Immigration is a federal function.

Allowing them to cooperate means that trust between the police and undocumented immigrants has been severed. Undocumented immigrants are now reluctant to report crimes or suspected crimes to the police, and they are reluctant to come forth as witnesses to crimes. As a result, our communities less safe for everyone.

Hawai'i has a rich immigrant heritage. Waves of immigrants have come to Hawaii's shores for more than 100 years. Immigrants were determined to work hard to make better lives for themselves and their children, and many succeeded. Our unique culture in Hawai'i is due in large measure to the contributions of immigrants. We must protect that.

I SUPPORT this bill

-Eréndira Aldana

HB-1994-HD-1

Submitted on: 2/14/2018 12:04:57 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Bilyk	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 12:13:52 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 12:32:33 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Paul M Chandler	Individual	Support	No

Comments:

I am writing in full support of HB1994. This bill is important to the future of our state. We must support everyone, especially in these times of hate from our racist president.

HB-1994-HD-1

Submitted on: 2/14/2018 1:16:05 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Bliss Kaneshiro	Individual	Support	No

Comments:

As the great grand daughter of immigrants, I support measures that improve the safety of immigrants to our islands.

HB-1994-HD-1

Submitted on: 2/14/2018 1:59:42 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Individual	Support	Yes

Comments:

I am a father, spouse, law student, non-profit worker and immigrant, and I welcome this Ho'okipa bill with open arms.

Hawai'i should join the ranks of other sanctuary jurisdictions, and shield immigrant families from the arbitrary and cruel whims of the federal deportation machine.

That being said, there are two aspects to this bill that I would humbly suggest amending: 1) The findings section regarding deportations under previous administrations, including President Obama's is misleading. From 2009-2017, over 3 million immigrants were "removed" from the U.S., and it goes without saying that only a small fraction of these, in fact, committed "serious crimes." All data bears this out as a fact, and it is long established that immigrants, regardless of status, commit less and not more crime than the native-born population. Further, while border "returns" were down under President Obama – this is chiefly because less were trying to cross the border post the 2008 economic crash. This makes it seem like less deportation occurred during those years. However, the fact that so many were instead "removed" is very significant, since being removed has far more serious consequences when it comes to later being able to immigrate lawfully. This leaves these immigrants, often with families and jobs here, no other option but to, again, become undocumented. Most of the so-called "serious crimes" touted are, in fact, immigration offenses, criminalized in the past few decades. Half of all federal prosecutions are for illegal entry and especially re-entry. This is exactly why other places like California fought so hard to pass this type of legislation, also under President Obama.

2) Regarding the criminalization of immigrants, this bill contains numerous exceptions that would permit local police to either hold someone for, or share their information with, Immigration and Customs Enforcement (ICE) – both scenarios with increasing the chances of deportation and the break-up of a family.

Given Hawai'i local law enforcement's past record of complying with all ICE detainers, my concern would be that this would continue whole cloth even under this bill. And that the individual circumstances of an immigrant would not be considered. This could lead to e.g. someone with one past drug paraphernalia conviction (previously a class C felony, now a violation) being funneled into the deportation machine after an arrest for any reason. This is overly broad and not in spirit with ho'kipa.

As such we need to take another look at these exceptions. First, several are highly problematic as they conflict with recent court rulings. The ACLU has recommended striking several of the exceptions entirely and I support that. Further, the other exceptions also need a second look, especially given the actions of ICE at this time.

Thank you for the opportunity to testify

HB-1994-HD-1

Submitted on: 2/14/2018 2:00:48 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawaii	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 2:25:20 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Clare Hanusz	Individual	Support	No

Comments:

I write in strong support of HB1994. This bill is critically important at this point in the history of our state and our nation to show a clear, bright line between the roles of local and federal law enforcement. Immigrants in our communities must feel free to call on law enforcement when needed without fear of detention and deportation as an important component to public safety.

HB-1994-HD-1

Submitted on: 2/14/2018 3:51:53 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

HB-1994-HD-1

Submitted on: 2/14/2018 3:52:59 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Vanessa Martinez	Individual	Support	No

Comments:

My name is Vanessa Martinez. I am testifying in strong support of HB1994 HD1.

LATE

HB-1994-HD-1

Submitted on: 2/14/2018 4:12:55 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ray Oda	Individual	Oppose	No

Comments:



Hawai'i

LATE

Committee: House Committee on Judiciary
Hearing Date/Time: Thursday, February 15, 2018, 2 p.m.
Place: Conference Room 325
Re: Testimony of the ACLU of Hawai'i with comments on H.B. 1994,
Relating to Law Enforcement's Involvement in Federal Immigration Enforcement

Dear Chair Nishimoto, Vice Chair Buenaventura, and Committee Members:

The American Civil Liberties Union of Hawai'i (the "*ACLU*") writes **with comments** on H.B. 1994, which sets rules for the involvement of Hawai'i law enforcement agencies in federal immigration enforcement.

The ACLU strongly supports the provisions of H.B. 1994 seeking to separate federal immigration enforcement from local law enforcement. Local law enforcement has traditional priorities that include responding to emergencies, patrolling neighborhoods to prevent crime, facilitating certain functions of the court system, and numerous other duties. To effectively protect public safety, local law enforcement needs cooperation from local communities. The foundation for this cooperation can often be destroyed when local police are viewed as an extension of the immigration system. Survivors of domestic violence refrain from reporting offenses; individuals with key information about burglaries fail to contact the police; hate crimes will go unreported and unpunished. These outcomes are not limited to the undocumented population. Many undocumented immigrants have U.S. citizen spouses and children. There are also immigrants with legal status—like many of the migrants living in Hawai'i under COFA¹—who will not seek help from local authorities fearing that they too will become targets of a criminal investigation and later deported.

While the ACLU supports many of the protections in H.B. 1994, it has serious concerns about some of the exceptions to the prohibition against honoring immigration detainers and honoring requests for non-public information.² An "ICE detainer" is a written request that local law enforcement detain an individual for an additional 48 hours after he or she would otherwise be released, and have been used to provide Immigration and Customs Enforcement ("*ICE*") additional time to examine an individual's immigration status, decide whether to take the individual into custody, and facilitate transfer into federal custody. These detainers are typically issued without a judicial warrant or probable cause. In consequence, once the traditional basis for criminal detention has lapsed, continued detention violates the Fourth Amendment's bar on unlawful detentions.

Most often, detainers are merely the beginning of an investigation into someone's status, and that investigation often goes nowhere. The detainers are also not an indication that the person being detained has committed any crime. In a four-year period, the Obama Administration placed detainer requests on 834 U.S. citizens—who are categorically *not* subject to removal. Similarly, in Hawai'i, of 1,144 documented detainers issued between 2004-2016, less than half (543) resulted in ICE taking custody of the person after the detainer was issued—meaning over 50 percent of people

¹ "COFA" refers to the Compact of Free Association between the United States and the Federated States of Micronesia, the Marshall Islands, and Palau.

² In this respect, unlike the U.S. Constitution, the Hawai'i Constitution includes an explicit right to privacy. Haw. Const., Art. I, Section 6.


American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: (808) 522-5900
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www.acluhawaii.org

detained were held for no apparent reason.³ Given the Trump Administration's plan to radically expand immigration enforcement, it is inevitable that these types of mistakes will increase. In this respect, it is important to note that ICE detainer requests are voluntary, not mandatory. In fact, many localities refuse to honor them unless supported by a judicial warrant, and in Hawai'i, that should also be the law.

The ACLU of Hawai'i has serious concerns that the non-warrant exceptions to the prohibition against honoring immigration detainees are contrary to the 4th Amendment and therefore, unconstitutional.⁴ The continued detention on an ICE detainer constitutes a new seizure for 4th Amendment purposes, requiring a valid basis for such seizure separate from that allowing the original arrest. The exceptions to the warrant requirement in H.B. 1994 do not constitute valid reasons for not obtaining a judicial warrant under the 4th Amendment. Thus, we suggest that your Committee amend Sections 4 and 5 to strike out exceptions (b)(2) through (b)(7) to ensure ICE detainees in Hawai'i are always accompanied with a constitutionally required judicial warrant.

Thank you for the opportunity to testify.

Sincerely,


Mateo Caballero
Legal Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. 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 Hawai'i for 50 years.

³ TRAC, Tracking Immigration and Customs Enforcement Detainers, available at <http://trac.syr.edu/phptools/immigration/detain/>.

⁴ See ACLU, Recent ICE Detainer Cases, available at <https://www.aclu.org/other/recent-ice-detainer-cases?redirect=recent-ice-detainer-cases>.

LATE

HB-1994-HD-1

Submitted on: 2/14/2018 5:35:44 PM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nathalie Rita	Hawaii	Support	No

Comments:

Thank you for allowing me to submit testimony in support of HB 1994. My name is Nathalie Rita and I am a PhD student at UH Manoa where my research focuses on international migration. I am testifying in strong support of HB1994 HD1. It is called the Ho'okipa, or welcoming bill, because it is a compassionate response to the federal government's disheartening decree to deport all undocumented immigrants. In today's political climate it is more important than ever to protect the most vulnerable members of our community.

Sociological research shows that undocumented immigrants have a much LOWER crime rate than native born citizens. They are our family members, friends, and neighbors. Many have come from economically distressed countries to make better lives for themselves. Nationally, two-thirds of the undocumented immigrants who are adults have been in our country for 10 years or more. Many have married U.S. citizens or have children who are U.S. citizens by birth.

The Trump executive order has raised the level of fear among undocumented immigrants because local police, acting as ICE agents, may ask anyone they come into contact with about their immigration status, and that may lead to deportation. This makes are communities less safe for EVERYONE, as undocumented immigrants are now reluctant to report crimes or come forth as witnesses to crimes. Moreover, since Trump's executive order, female immigrants are less likely to report sexual assault.

Do not be complacent with Trump's agenda. Instead, let's make Hawaii a part of the solution. Lets create safer communities for everyone. Mahalo!

LATE

HB-1994-HD-1

Submitted on: 2/14/2018 6:27:21 PM
Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rev. Stanley Bain	Individual	Support	No

Comments:



February 15, 2018

To: Representative Scott Nishimoto, Chair
Representative Joy San Buenaventura, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Ohta, Co-Chair

RE: HB 1994 HD1 Relating to Law Enforcement
Hearing: Thursday, February 15, 2018, 2:00 p.m., Room 325

POSITION: SUPPORT

The Hawai'i State Democratic Women's Caucus writes in support of HB 1994 HD1 Relating to Law Enforcement. Immigration is a federal function.

Hawai'i has a rich immigrant heritage. Immigrants came here determined to work hard to make better lives for themselves and their children, and many succeeded. Our unique culture in Hawaii is due in large measure to the contributions of immigrants.

Notably, immigrants also played an important role in our nation's history. Yet, the federal administration has adopted bigoted immigration policies, and undocumented immigrants are a target. Immigrants are undocumented because they either crossed the border without being processed, which is a misdemeanor, or they entered the U.S. on a visa and overstayed their visa, which is a civil matter—not a crime.

States, counties, and other jurisdictions may decide voluntarily to cooperate with ICE, or they may not. The Constitution makes it clear that the federal government may not coerce States or their subdivisions to do so. In the interest of community safety, hundreds of cities and counties—and even several states—limit the cooperation of their local law enforcement agencies with ICE. These jurisdictions are being called “sanctuary” jurisdictions. They do not provide any additional protections to undocumented immigrants that are not given to citizens. They merely limit the assistance that their local law enforcement agencies provide to ICE.

The Hawai'i State Democratic Women's Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii's women and girls.

We ask the committee to pass this measure. Thank you for the opportunity to provide testimony.



Hawaii Women's Coalition

COMMITTEE ON JUDICIARY
Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buenaventura, Vice Chair

LATE

DATE: Thursday, February 15, 2018
TIME: 2 p.m.
PLACE: Conference Room 325

STRONG SUPPORT FOR HB 1994

Aloha Chair Nishimoto, Vice Chair San Buenaventura and members,

The Coalition strongly supports this measure that would protect immigrants in Hawaii from the draconian policies being promulgated in Washington. It would also relieve law enforcement from the onerous burden that enforcing such policies would place upon our police.

Hawaii has a rich immigrant heritage and as a result we are one of the most diverse states in the Union. This diversity is essential to our economy and our rich culture. In fact each nationality that has arrived on our shores, contributed to the character of our state and has enabled this most remote populated place in the world to thrive.

The Migration Policy Institute estimates that 21,000 undocumented immigrants live in Hawaii, while the American Immigration Council's estimate is 45,000. About 45% of Hawaii's undocumented immigrants are from the Philippines, 15% from Japan, and most of the rest are from Asian and Pacific nations. 70% of Hawaii's undocumented immigrants are at or above 200% of the poverty level, and 40% own their own homes. Deporting them would be a costly and disastrous affair.

Please pass this bill and keep Washington's mean-spirited anti-immigrant stance out of our state.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawaii Women's Coalition
Contact: annsreed@gmail.com Phone: 808-623-5676

Filipino American Citizens League

Jake Manegdeg, President and Charlene Cuaresma, Vice President
c/o 728 Nunu Street, Kailua, HI 96734

Testimony in strong support of HB 1994 HD1
House Committee on Judiciary
Feb. 15, 2018, 2 p.m., State Capitol, Conference Room 325

LATE

To: Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buena Ventura, Vice Chair
Members of House Committee on Judiciary

From: Jake Manegdeg, President and Charlene Cuaresma, Vice President
Filipino American Citizens League

Description: Prohibits state 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 provisions of federal, state, or local law.

We, Jake Manegdeg, president, and Charlene Cuaresma, vice president, are proud to submit our full support of this bill on behalf of the Filipino American Citizens League. The Filipino American Citizens League was formed nearly twenty years ago to contribute to the advancement of civil rights and social justice for minority groups, underserved populations, and vulnerable communities through education, advocacy, and social action.

We support this bill and stand in solidarity to advocate for immigrant and refugee groups to be welcomed to live, work, raise their families, prosper, and give back likewise as good stewards of Hawai'i's civil society, without the fear of state and county agencies assisting Immigration and Customs Enforcement and federal agents to enforce wrongful deportation of individuals. This is critical now more than ever, because this administration is headed in a dangerous direction with regressive and reckless immigration policies that not only tear apart and weaken families, but also undermine our nation and destroy our democratic institutions.

As we approach the 112th year since Filipinos first arrived in Hawai'i as contract sugarcane workers in 1906, we owe a deep gratitude to our Native Hawaiian brothers and sisters, who have welcomed us here, in keeping with Ho'okipa, which is grounded in the values of a healthy, civil and mutually cooperative society. As Filipinos, we gained the privilege to learn to be good caretakers of Hawai'i's diverse land and people. Since then, Filipinos contributed with each generation, serving in the fields of sugarcane, pineapple, coffee, health care, medicine, business, law and more. As a result, Filipinos have had the privilege to serve the people of Hawai'i in many first roles, including the first Filipino governor.

As Filipinos, we share a common history with Native Hawaiians of being conquered people, who were exploited, betrayed, and annexed as United States territories under the Treaty of Paris in 1898. "You cannot get to where you are going without looking to where you came." is a Filipino adage that fosters critical thinking on lessons learned in order to strive toward social justice, cooperation, mutual aid, and peaceful co-existence. Thank you for hearing this bill. We urge you to protect our immigrant and refugee communities with the provisions of this measure. When they are safe, all are safe.

Very Sincerely,

Jake Manegdeg and Charlene Cuaresma, Filipino American Citizens League

LATE

HB-1994-HD-1

Submitted on: 2/15/2018 8:56:28 AM
Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Stacey Moniz	Individual	Support	No

Comments:

Thank you for supporting this important protection for our vulnerable immigrants.

Peace be the journey,
Stacey Moniz

LATE

HB-1994-HD-1

Submitted on: 2/15/2018 10:51:43 AM

Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lisa Poulos	Individual	Oppose	No

Comments:

I oppose HB1994 HD1. This bill is encouraging people, citizens and illegal aliens alike, to ignore laws. This sets a terrible precedence where state **lawmakers** encourage their own law enforcement agencies to disregard federal laws – picking and choosing which we will aid in enforcement.

The bill states, “It is essential to the public safety of all residents that there is a relationship of trust and cooperation among members of the immigrant community and state and local law enforcement agencies. This relationship is undermined when state and local law enforcement voluntarily act at the request of federal immigration officials. Voluntary enforcement of federal immigration law is not a wise and effective use of state and local resources.”

What about the public safety and trust of your citizens? This bill pits our state law enforcement against our federal law enforcement agencies. Trust is diminished when there is not unity in our law enforcement agencies, when we are picking and choosing which laws to enforce and which to ignore. This creates confusion. Also, we are experiencing this immigration crisis precisely because of what you are proposing and sanctioning – ignoring and not enforcing laws.

How can you expect your citizenry to abide by laws you enact when you encourage disregard and enforcement of federal laws. If you pick and choose which to follow, why can't we as residents of Hawaii pick and choose which state laws to follow. Why can't a homeless person sleep on Kalakaua Avenue if they so choose? Why can't I talk on my cell phone while driving?... I thought that nullification of federal laws was ultimately dealt with at the victory of the Union Army in the Civil War.

The bill states that, “the legislature does not condone immigration without legal authorization” and yet says, “The legislature additionally finds that **unlawful presence** in the United States is not, by itself, a criminal offense, as recognized by the United States Supreme Court in *Arizona v. United States*, 567 U.S. 387 (2012). A person's undocumented status can result from crossing a border into the United States without being processed, which is a federal misdemeanor, or from entering the United States with a visa and then overstaying the length of the visa, which is not a crime. It is believed that the great majority of undocumented immigrants living in Hawai'i overstayed their visas.”

This bill is playing a words game, undocumented status vs. illegal alien. Anyone in our country without legal entry or overstayed their visa has broken our law – plain and simple.

I understand that not all illegal aliens are the same, they have varying stories and reasons why they are America, and we need to find the best solution possible for them, but pitting our state and federal law enforcement officers against each other is not the way to do this.

Please oppose HB1994 HD1.

Mahalo,

Lisa Poulos

LATE

HB-1994-HD-1

Submitted on: 2/15/2018 12:20:53 PM
Testimony for JUD on 2/15/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jan Dickey	Individual	Support	No

Comments:

This bill is one the most important you will see this year. It rejects the xenophobic and rascist attitudes that have been validated by the Trump administration. Any politician who opposes this legislation will have my full opposition in the upcoming elections, because a vote against this bill is a validation of the anti-immigrant sentiments running rampant in this world, sentiments that translate to xenophobia and rascism in our society. I support this bill because it is an important shift toward a humane attitude in regarding all human beings - regardless of their cultural and racial origins.



Nursing Advocates & Mentors, Inc.

... a non-profit organization with a mission to address the global nursing shortage by providing guidance and assistance for nursing colleagues to obtain their professional licenses

P.O. Box 2034 Aiea, HI 96701

E-mail: namihonolulu@yahoo.com

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Testimony in strong support of HB 1994 HD1
House Committee on Judiciary
Feb. 15, 2018, 2 p.m., State Capitol, Conference Room 325

To: Rep. Scott Y. Nishimoto, Chair
Rep. Joy A. San Buena Ventura, Vice Chair
Members of House Committee on Judiciary
From: Beatrice Ramos-Razon, RN, FACDA, President
Nursing Advocates and Mentors Inc.

Description: Prohibits state 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 provisions of federal, state, or local law.

My name is Beatrice Ramos-Razon. I am proud to submit our strong support for this bill as the founder and president of NAMI (Nursing Advocates & Mentors, Inc.). NAMI's membership is comprised of over 75 volunteer nurses, instructors, allied health care professionals, and Filipino leaders, who are dedicated to improve the health of Hawai'i's people through education, mentoring, advocacy and service.

As a registered voter and constituent in District 32, Salt Lake, and as a nurse, most of my NAMI nursing colleagues and I are naturalized American citizens from the Philippines. As a result, we have had the privilege to live, work, raise our families, prosper, and contribute to making Hawai'i one of the best health care systems in the nation. Given this, we urge our lawmakers to ensure that this bill passes, as consistent with the provisions laid out in this resolution. We hope this bill will prevent coercion of government employees to cooperate with federal agents to deport individuals who do not have federally recognized documents for proof of residence. We recognize the need to fix America's broken immigration system, not criminalize family members and individuals.

Thank you for hearing this bill and for the opportunity to submit testimony to encourage its passage.

Sincerely,

Beatrice Ramos Razon, RN, FACDA, NAMI President

LATE

Marcella Alohalani Boido, M. A.
Hawaii Judiciary Certified Spanish Court Interpreter, Tier 4

To: Rep. Scott N. Nishimoto, Chair; Rep. Joy A. San Buenaventura, Vice-Chair;
Members, House Committee on Judiciary

Date: February 15, 2018, Room 325, 2:00 p.m.

Re: **HB 1994, SUPPORT**

We need the Honolulu Police Department to concentrate on what we, the people of this state, and our guests, actually need them to do. We need them to focus on responding to 911 calls, keep traffic moving safely, assist victims of domestic and other violence, and investigate drug labs and other crimes. They need to have the confidence and trust of our community to be able to do this. We need them to be our community's police force, a working extension of our values, not an extension of a shameful, racist political agenda which will be discredited by history.

Hawaii has families with at least one immigrant parent who may be subject to deportation. The federal plan is to deport people who have been arrested, but not yet convicted. What happened to "presumed innocent until proven guilty"? Where are our founding American values?

Carrying out the agenda of the current federal regime will be costly, in funds, in emotional pain, and in long-term dishonor to those who participate willingly. It will create a history of family members separated from each other, some children here, some children there, of children growing up without a parent or parents in their lives, of broken-hearted spouses and sweethearts left behind to cope with the ruin of their lives. What will the consequences of the trauma of separation be, for the children, the adults, their *'ohana*, and our community, in the future?

We should keep our families, our community, our ideals and values, and our hearts, whole.

Since 1990, I have been working as a Spanish court interpreter. My observation is that when a Latino defendant comes to court with a sweetheart or spouse, virtually all of these women are part-Hawaiians. These couples often have children together. The Latino men are not only raising their own part-Hawaiian children, they are often also raising their partner's children by previous relationships. One man I met recently was raising his sweetheart's infant *hanai* son (her nephew), whom the couple are in the process of legally adopting.

Please do not be fooled by the red herrings being dangled in front of us about crime. The guy who likes to spend his time playing golf, eating chocolate cake, and running up the country's bills for his security detail, is not governing this country. The interests behind him have a dual agenda. This agenda is about money and power: redistributing more wealth upwards, and preventing the rise of demographic groups which may vote for a different party.

In Hawaii, we already know a lot about how some elites have tried to prevent the rise of certain ethnic groups. We need to honor our history, our families and friends, and prevent this from happening here.

Once again, the USA is going through a period in which certain government actors are expressing intense racism and fostering fear of non-whites, immigrants, and non-Christians. In Hawaii, we already know where this can lead: straight to the internment camps of WWII, the roundup of Japanese Buddhist priests, cultural leaders, and Japanese language teachers.

Some of us have had the privilege of knowing people who were interned. I have. I had a teacher at Kauai High School, Mrs. Miyashiro, who shared her childhood internment experience with our class. I had a landlady whose brother-in-law and his wife were interned, solely because he taught Japanese. They graciously allowed me to interview them at length.

The current federal regime is already planning on building more prisons and “detention” centers, and contracting with private prisons. Hello, Honouliuli, Manzanar, and all the others! We know you for what you are. Your modern perpetrators and imitators are not welcome.

I grew up among those taciturn heroes, the survivors of the 100th and 442nd. They were men I knew and saw almost every day of my childhood on Kauai. They and their comrades who could not come back paid the price in blood to redeem Hawaii’s Americans of Japanese Ancestry in the eyes of public opinion. Their extreme sacrifice should never have been necessary.

On my mother’s side, I am Jewish. Need I explain why I had hundreds of relatives in Europe in 1939, but only five in 1945? In 1915, my mother, then four years old, arrived at Ellis Island with my grandparents. Several years before, both of my Jewish grandparents had fled Tzarist Russia, illegally crossing multiple borders to escape into France. They were political refugees. Probably the first time they crossed a border legally was when they entered the US. If they had not had the courage to escape from Tzarist Russia, I would not exist.

Some of you may be familiar with the history of the *MS St. Louis*, a ship carrying Jewish refugees trying to escape the Nazis. I had a relative on this ship. When the refugees were turned away from the US, my relative committed suicide.¹

One of the interesting things about the Holocaust is that it was step-by-step process, in which each successive step was made legal. It took the Nuremburg trials to overturn the idea that what had been done was lawful.

This is not to say that our immigrants in the USA are going to be killed, deliberately, because of their perceived race and/or religion, by government agents. We are already seeing some private assassins doing this, however. Women fleeing abusive husbands are particularly vulnerable.²

The USA has a history of illegal deportations.³ The legality of some of the recent deportations is already in dispute. Our community’s police forces should not become partners in crime with those carrying out illegal deportations.

Recently, while working at a rural courthouse, I have been appalled at the atmosphere of fear. People accompanying a defendant are going out and scouting the parking area for ICE agents. Our courthouses should be safe spaces for immigrants.

The testimony in support of this Bill by various organizations and individuals is well thought out and makes the necessary legal and other arguments. They have my agreement.

Please do what is *pono*. **Please pass this Bill.** It is the historically right thing to do. Thank you.

¹ Movie: Voyage of the Damned. https://en.wikipedia.org/wiki/Voyage_of_the_Damned

² *When Deportation is a Death Sentence*. <https://www.newyorker.com/magazine/2018/01/15/when-deportation-is-a-death-sentence>. Accessed 02/15/2018.

³ *America's Forgotten History of Illegal Deportations*, https://www.theatlantic.com/politics/archive/2017/03/americas-brutal-forgotten-history-of-illegal-deportations/517971/?utm_source=nl-atlantic-daily-030617. Accessed 04/24/2017. This was dramatized in the movie “*Mi Familia*” (“My Family”).



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-NINTH LEGISLATURE, 2018**

ON THE FOLLOWING MEASURE:

H.B. NO. 1994, H.D. 1, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Thursday, February 15, 2018 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Russell A. Suzuki, Action Attorney General, or
Lance Goto, Deputy Attorney General.

Chair Nishimoto and Members of the Committee:

The Department of the Attorney General ("the Department") submits comments.

The purpose of this bill is to prohibit, except in certain circumstances, state and county law enforcement agencies from assisting or cooperating with federal government efforts to enforce immigration laws.

The Department would like to advise the Committee that there is a possibility that if enacted this bill will subject the state to closer scrutiny by the federal government, result in loss or delay in federal funding, and increase the risk that the state will become a party to litigation, either in defense of actions brought by the federal government, or in state efforts to enjoin actions by the federal government. These issues revolve around state compliance with federal law, title 8 United State Code section 1373, which reads:

(a) In general

Notwithstanding any other provision of Federal, State, or local law, a Federal, State, or local government entity or official may not prohibit, or in any way restrict, any government entity or official from sending to, or receiving from, the Immigration and Naturalization Service information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Additional authority of government entities

Notwithstanding any other provision of Federal, State, or local law, no person or agency may prohibit, or in any way restrict, a Federal, State, or local government entity from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) Sending such information to, or requesting or receiving such

- information from, the Immigration and Naturalization Service.
- (2) Maintaining such information.
- (3) Exchanging such information with any other Federal, State, or local government entity

It is the position of federal authorities that when federal grantees commit to following all relevant federal laws when they sign for their grant awards, it includes compliance with section 1373. The federal government currently requires states to certify compliance with section 1373, before being able to draw down grant awards.

Recently, the federal Department of Justice (DOJ) attached two new conditions to the Edward Byrne Memorial Justice Assistance Grant (Byrne JAG) and several other programs. The Byrne JAG is a primary provider of federal criminal justice funding to state and local governments. DOJ is requiring state and local governments to: (1) allow the Immigration and Customs Enforcement (ICE) agency to access prisons and jails; and (2) provide ICE forty-eight hours notice of the release of a person of interest. So far, courts have ruled against DOJ and enjoined the imposition of these two new conditions. This matter is currently under litigation.

It should also be noted that the entire 2017 Byrne JAG funding is being held up by DOJ due to the pending litigation and has not been awarded to any state or local government entities.

The Department also offers a few technical comments on the bill.

On page 13, lines 12-17, the bill provides that law enforcement agencies shall not comply with a request from the Immigration and Customs Enforcement agency (ICE) or the Customs and Border Protection agency (CBP) for "non-public" information about an individual. The term "non-public" is not clear and should be defined.

On page 15, lines 6-10, the bill allows a law enforcement agency to disclose information about an individual's arrests or convictions, if otherwise permitted by state law or required pursuant to subpoena or court order. This exception should not be limited to arrest and conviction information, but should apply to any information required to be disclosed.

On page 15, proposed section -6 prohibits law enforcement agencies from providing ICE with access to an individual to interview the individual for purposes of

enforcement of immigration law. On page 16, proposed section -7(b) requires law enforcement agencies to provide a copy of an ICE detainer, transfer, notification, interview, or interrogation request to the detained individual named in the request. There are no exceptions provided for either section, but the exceptions previously provided in proposed section -5(b), on pages 13-14, may be reasonable and appropriate.

The Department appreciates the opportunity to provide comments on this measure.