

STAND. COM. REP. NO. 601

Honolulu, Hawaii

FEB 15 2019

RE: S.B. No. 557

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary, to which was referred S.B. No. 557 entitled:

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

beg 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 by provisions of federal, state, or local law.

Your Committees received testimony in support of this measure from the Hawai'i Civil Rights Commission, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Hawai'i Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, Hawaii J-20+, Midwives Alliance of Hawaii, Church of the Crossroads, Filipina Advocacy Network, and forty individuals. Your Committees received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Honolulu County Republican Party, and four individuals. Your Committees received comments on this measure from the Department of the Attorney General.

Your Committees find that the Supreme Court of the United States has recognized that unlawful presence in the United States



is not, by itself, a criminal offense. Your Committees further find that a person's undocumented status can result from a variety of possible causes and that, given the geography of the islands, the undocumented status of most undocumented immigrants in Hawaii results from overstaying the length of their visa, which is not a crime, in comparison to crossing a United States border without being processed which is a crime. Your Committees also find that policies prioritizing deportation actions may cause undocumented immigrants to be fearful that contact with the police and other law enforcement personnel will lead to immigration-based actions, and may make them more reluctant to report crimes or come forth as witnesses as a result.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental, and Military Affairs and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 557 and recommend that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Public Safety,
Intergovernmental, and Military
Affairs and Judiciary,



KARL RHOADS, Chair



CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 557	Committee Referral: PSM/JDC, WAM	Date: 2/8/19		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye ✓	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
FEVELLA, Kurt				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes