



Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus Commission



Advocating for the Hawai'i LGBTQIA+ Community

Mailing Address: LGBTQ+ Commission, c/o The Department of Human Services,
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February 15, 2025

House Committee on Judiciary and Hawaiian Affairs
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, February 19, 2025, at 2:00 PM

RE: Strong Support for House Bill 457

Aloha Chair Tarnas, Vice Chair Poepoe, and committee members,

I am writing in strong support of House Bill 457, HD 1 on behalf of the Hawai'i State Lesbian, Gay, Bisexual, Transgender, Queer Plus. (LGBTQ+) Commission, which was established by the 2022 Hawai'i State Legislature with the following purpose:

“...to improve the State's interface with members of the lesbian, gay, bisexual, transgender, queer, plus community; identify the short- and long-range needs of its members; and ensure that there is an effective means of researching, planning, and advocating for the equity of this population in all aspects of state government.”

The Hawai'i State LGBTQ+ Commission is in strong support of HB 457, because it mandates that state and local law enforcement agencies notify individuals of their rights before any interview with United States Immigration and Customs Enforcement (ICE) concerning immigration violations. This measure is a critical step toward ensuring due process, protecting vulnerable communities, and upholding Hawai'i's values of fairness, justice, and equality for all.

For members of the LGBTQIA+ community—particularly those who are undocumented, asylum seekers, or recent immigrants—interactions with law enforcement and immigration officials can be fraught with fear, discrimination, and potential harm. Many LGBTQIA+ immigrants come to the United States fleeing persecution in their home countries, only to face continued threats of marginalization, mistreatment, and legal uncertainty. Without proper advisement of their rights, these individuals are at an even greater risk of being coerced into self-incrimination or unjust deportation proceedings.

HB 457 affirms the fundamental right of every person in custody to be fully informed before speaking with immigration authorities. Ensuring individuals understand their rights before engaging with ICE is essential in preventing intimidation tactics,

Proudly established pursuant to Hawai'i Revised Statutes Chapter 369, as enacted through Act 41, Session Laws of Hawai'i 2022

HI State LGBTQ+ Commission Testimony in Strong Support of HB 457

safeguarding against undue influence, and reinforcing trust between law enforcement and the communities they serve. Providing this notification not only aligns with constitutional protections but also strengthens Hawai'i's commitment to being a place of refuge, inclusivity, and justice.

The LGBTQIA+ community, particularly those who are undocumented or seeking asylum, faces unique challenges and vulnerabilities, including heightened risks of violence, discrimination, and inadequate legal representation. By passing HB 457, Hawai'i can set a precedent for humane and just policies that protect all residents, regardless of immigration status.

We urge the committee to pass HB 457 without hesitation. It is a necessary and just measure that will help ensure Hawai'i remains a place where all individuals—regardless of immigration status, gender identity, or sexual orientation—are treated with dignity and respect.

Mahalo for the opportunity to provide testimony.

Kathleen O'Dell, Ph.D. (she/her)

Chair

[Hawai'i State LGBTQ+ Commission](#)

JON N. IKENAGA
STATE PUBLIC DEFENDER

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HB NO.457 RELATING TO CIVIL RIGHTS PROTECTIONS

Chair Tarnas, Vice Chair Poepoe, and Honorable Committee Members,

The Office of the Public Defender (OPD) **SUPPORTS THIS BILL**

We support the intent of the legislature to place reasonable limits on collaboration with the federal government in instances where individual rights enshrined in the state constitution and statute are implicated. We are in an uncertain era regarding the use of federal officers from across multiple agencies to enforce immigration law.

The federal courts have recognized the questionable constitutionality of civil immigration detainers. These are not criminal charges. They are for individuals *suspected of violating civil immigration law*, which is not a crime. To the individuals who are impacted, they are in custody and their lives in the United States are in jeopardy; the differentiation of federal and state law is an abstraction.

We see the due process expansion created in Section 2 as a corollary to the well-established Miranda warning that law enforcement is required to administer to protect an individual's civil liberties. We believe it necessary to add further legislative intent to the bill to support law enforcement in the implementation of this expansion of due process.

The language found in HRS 802E-2 was carefully crafted to apply due process to individuals who may enter a plea of guilty or nolo contendere, or admission of guilt to violations or crimes. It should be referenced in the creation of forthcoming specific language for law enforcement.



HAWAI‘I CIVIL RIGHTS COMMISSION **KOMIKINA PONO KĪWILA O HAWAI‘I**

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Wednesday, February 19, 2025
2:00pm

Conference Room 325 & Videoconference
State Capitol, 415 South Beretania Street

To: The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

From: Dr. William J. Puette, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 457, H.D. 1 Relating to Civil Rights Protections **Testimony in SUPPORT**

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC enforces laws protecting the people of Hawai‘i from discrimination in the areas of housing, employment, public accommodations, and in some state and state-funded services.

The State of Hawai‘i is proud of its civil rights protections and rich immigrant heritage. Hawai‘i has the highest level of diversity in the United States, and our values are based on a strong commitment to the protection of civil rights.

The Trump Administration is initiating an attack on immigrants that calls for a strong response from the State of Hawai‘i. The Trump plan calls for and raises the specter of a parade of horrors, that are reminiscent of dark chapters of our recent past:

- Mass deportations implemented with targeted raids, mass detention and family separation, and expedited removal. Although the priority target of the mass enforcement campaign has been identified as violent criminal offenders, early sweeps have ensnared non-criminal long-time residents whose arrest, detention, and removal have been characterized as “collateral” impact. Reversal of “sensitive locations” guidance that restricted Immigration and Customs Enforcement (“ICE”) and Customs and Border Protection making arrests and engaging in immigration enforcement actions in schools, hospitals, courthouses, and churches.
- Federal “encouragement” of ICE cooperation and collaboration with state and local law enforcement agencies in immigration law enforcement. Encouragement is a euphemism for

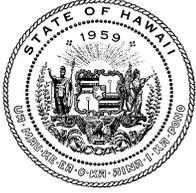
coercion, with the Trump administration threatening prosecution of state and local government officials and withholding federal funds from states and local governments who do not assist in enforcing federal immigration laws.

- Serious discussion of the suggestion that the Alien Enemies Act can be invoked as authority for summarily detaining and deporting civilians, based on characterization of the immigration crisis as an invasion that justifies the exercise of war powers. The Alien Enemies Act was last and most infamously invoked to justify the evacuation and incarceration of Japanese Americans without due process during WWII. And,
- Deployment of the U.S. military to the border to enforce the administration's removal and exclusion policies, the deployment of the military domestically in this manner likely runs afoul of the Posse Comitatus Act. However, State Governors may have broader authority to deploy National Guard forces.

This bill provides for increased due process for people in state or local law enforcement custody to be given notice of their rights before being interviewed by ICE, and for a written consent form to be provided in an accessible language and signed before such an interview be allowed to proceed. H.B. 457 H.D. 1 focuses on the provision of a due process notice requirement that must be provided before an ICE interview while in state or local law enforcement custody.

The bill requires that a state or local law enforcement agency notify a person's attorney if ICE has been given notification of the persons date of release from state or local custody. This requirement may create an illusory right, as many respondents in removal proceedings are unrepresented – there is a right to counsel, but only at the respondent's own expense. Nonetheless, The HCRC supports H.B. 457, H.D. 1., especially with the requirement that there be two community forums held to inform the public about their rights, and the language added in H.D. 1 to provide for additional language translations, and the exclusion of public disclosure of identifiable demographic information.

HCRC supports H.B. 457, H.D. 1.



**STATE HEALTH PLANNING
AND DEVELOPMENT AGENCY**
DEPARTMENT OF HEALTH - KA 'OIHANA OLAKINO

JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII

KENNETH S. FINK, MD, MGA, MPH
DIRECTOR OF HEALTH
KA LUNA HO'OKELE

JOHN C. (JACK) LEWIN, M.D.
ADMINISTRATOR

LATE

February 18, 2025

To: HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Representative David A. Tarnas, Chair;
Representative Mahina Poepoe, Vice Chair; and
Honorable Members

From: Jack Lewin MD, Administrator, SHPDA; and
Sr. Advisor to Governor Josh Green, MD on Healthcare Innovation

Regarding: HB457, HD1 – Relating to Civil Rights Protections

Position: SUPPORT

Testimony:

SHPDA strongly supports the intent of this legislation.

HB457 HD1 requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.

SHPDA is also aware of and concerned about immigrants fearing deportation avoiding essential health care and prevention services, which endangers public health and increases the need for expensive emergency department services for medical conditions that could have been treated earlier as routine outpatient care.

SHPDA believes this notification is minimally essential for protection of immigrant rights, and to maintain the integrity of our Aloha state traditions.

Mahalo for the opportunity to testify.

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI‘I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai‘i 96720

DATE: February 14, 2025
TO: House Committee on Judiciary & Hawaiian Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB 457 HD1

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee,

I am writing in **support** of HB 457 HD1. The purpose of this bill is to require state and county law enforcement agencies to notify an individual of their rights when in Hawai‘i law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided as a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with their attorney present.

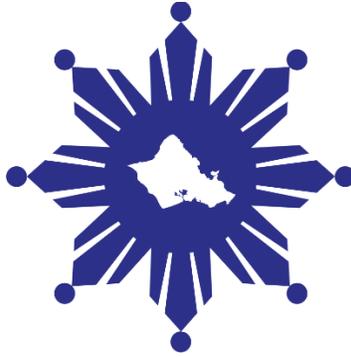
Additionally, upon receiving an ICE hold, notification, or transfer request, state and county law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and county law enforcement will also notify the individual’s attorney or the individuals designee within 2 business days.

While the state has very little control over what and how federal immigration agents conduct their work, it can set standards for how its residents’ civil rights and due process are treated, while in state/county custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able to with a full grasp of the facts at hand.

I urge you to support this bill. Requiring state and county law enforcement agencies to notify an individual of their rights when in Hawai‘i law enforcement agency custody prior to any interview with ICE of certain matters regarding civil immigration violations is fair, just, and supported by the Hawai‘i State Constitution.

Mahalo,

Jenn Kagiwada



**OAHU FILIPINO COMMUNITY COUNCIL
Honolulu, Hawaii**

February 15, 2025

Testimony in Support of HB457 HD1: Relating to Civil Rights Protections

To: Chair David A. Tarnas, Vice Chair Mahina Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs

Date: Wednesday, February 19, 2025

Time: 2:00 PM

Place: Conference Room 325 & Videoconference

From: The Oahu Filipino Community Council

Subject: Support for HB457 HD1 - Relating to Civil Rights Protections

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee on Judiciary & Hawaiian Affairs,

The Oahu Filipino Community Council strongly supports HB457 HD1, which requires state and local law enforcement agencies to notify individuals of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement (ICE) on certain matters regarding immigration violations. This measure is essential to ensure that individuals in custody are fully aware of their rights and can make informed decisions.

Key Points:

1. **Ensuring Awareness of Rights:** HB457 HD1 mandates that individuals in custody are informed of their rights before any interview with ICE. This is crucial for ensuring that individuals understand their legal protections and can exercise their rights effectively.
2. **Protecting Vulnerable Populations:** Immigrants, particularly those who may not be familiar with the legal system, are vulnerable to potential violations of their rights. This bill provides an additional layer of protection to ensure that their rights are upheld.

3. **Promoting Fairness and Justice:** By requiring law enforcement agencies to notify individuals of their rights, HB457 HD1 promotes fairness and justice in the treatment of individuals in custody. This measure helps prevent coercion and ensures that individuals are not unfairly treated during the immigration process.

Arguments in Support:

Upholding Legal Protections: HB457 HD1 is a critical step towards upholding the legal protections afforded to all individuals, regardless of their immigration status. By notifying individuals of their rights, this bill ensures that they are aware of their legal options and can make informed decisions about their interactions with ICE.

Preventing Coercion: Individuals in custody may be vulnerable to coercive tactics if they are not informed of their rights. This bill helps prevent such situations by ensuring that individuals are fully aware of their legal protections before any interview with ICE. This is particularly important for immigrants who may be unfamiliar with the legal system.

Supporting Due Process: Ensuring that individuals are notified of their rights before any interview with ICE supports the principle of due process. This measure helps guarantee that individuals are treated fairly and justly, and that their rights are respected throughout the immigration process.

Protecting Community Trust: By promoting transparency and fairness in the treatment of individuals in custody, HB457 HD1 helps build trust between law enforcement agencies and the community. This trust is essential for effective law enforcement and community cooperation.

We believe that HB457 HD1 is a vital measure to protect the rights of individuals in custody and to promote fairness and justice in our legal system. We urge the Committee to favorably consider HB457 HD1 and support its passage.

Sincerely,

Melodie Aduja

Chair, Social Action Committee

Director, Oahu Filipino Community Council



Where LGBTQIA+ Rights Meet the Labor Movement
A constituency group of the Hawai'i State AFL-CIO

February 15, 2025

House Committee on Judiciary & Hawaiian AFFAIRS
Hawai'i State Capitol
415 South Beretania Street
Honolulu, HI 96813

Hearing: Wednesday, February 19, 2025 at 2:00 PM

RE: STRONG SUPPORT for House Bill 457

Aloha Chair Tarnas, Vice Chair Poepoe, and fellow committee members,

Pride at Work – Hawai'i is an official chapter of [Pride at Work](#) which is a national nonprofit organization that represents LGBTQIA+ union members and their allies. We are an officially recognized constituency group of the AFL-CIO that organizes mutual support between the organized Labor Movement and the LGBTQIA+ Community to further social and economic justice.

Pride at Work - Hawai'i submits this testimony in strong support of House Bill 457, which requires state and local law enforcement agencies to notify individuals of their rights before any interview with United States Immigration and Customs Enforcement (ICE) on matters regarding immigration violations. This bill is a crucial step in protecting the rights and dignity of all people in Hawai'i, especially members of the LGBTQIA+ community, who are disproportionately impacted by immigration enforcement actions.

As an organization dedicated to advocating for LGBTQIA+ workers and their families, Pride at Work - Hawai'i recognizes the heightened vulnerabilities faced by LGBTQIA+ immigrants, many of whom flee persecution and discrimination in their home countries only to encounter further marginalization within the U.S. immigration system. Ensuring that individuals in law enforcement custody are fully informed of their rights before engaging with ICE is a necessary safeguard against coercion, abuse, and unlawful detention.

House Bill 457 strengthens due process and aligns with Hawai'i's values of justice, equality, and aloha. It ensures that all individuals, regardless of their immigration status, are aware of their legal rights and are not subjected to unjust or unlawful questioning without proper advisement. By mandating this notification, the bill promotes transparency, builds trust between law enforcement and immigrant communities, and helps prevent civil rights violations.

Moreover, LGBTQIA+ immigrants often face unique threats, including the risk of deportation to countries where they may experience discrimination, violence, or even death. The lack of adequate legal protections in these interactions with ICE can exacerbate their already precarious situation. HB 457 provides a simple yet effective measure to uphold fairness and safeguard basic human rights.

For these reasons, Pride at Work - Hawai'i urges the committee to pass House Bill 457.

Mahalo for the opportunity to submit testimony in strong support of this critical legislation.

In solidarity,

Michael Golojuch, Jr. (he/him)
President
[Pride at Work – Hawai'i](#)



TESTIMONY FROM THE STONEWALL CAUCUS OF THE DEMOCRATIC PARTY OF HAWAII

HOUSE COMMITTEE ON COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

FEBRUARY 19, 2025

Testimony in Support of House Bill 457 HD1 RELATING TO CIVIL RIGHTS PROTECTIONS

Aloha Chair Tarnas, Vice Chair Poepoe, and esteemed Members of the Committee:

My name is Abby Simmons, Chair of the **Stonewall Caucus of the Democratic Party of Hawai'i**, and I am writing in **strong support of HB457 HD1**, which strengthens due process protections for individuals in the custody of Hawaii's state and local law enforcement when interacting with U.S. Immigration and Customs Enforcement (ICE).

The Importance of Due Process and Civil Rights Protections

Hawai'i has long been a beacon of diversity and inclusion, with a rich immigrant heritage that contributes to our social and economic fabric. However, the rights of immigrants—documented and undocumented—are frequently at risk due to confusion, fear, and a lack of clear information when they come into contact with law enforcement. Especially given the most recent political developments.

HB457 HD1 ensures that individuals in custody are fully informed of their rights before speaking with ICE and establishes clear procedures that uphold fairness, transparency, and accountability. This bill is not about obstructing law enforcement but rather ensuring that every individual, regardless of their immigration status, receives due process under the law.

Key Reasons to Support HB457 HD1

1. Ensures Informed Consent and Legal Representation

- Many individuals detained by law enforcement do not understand that ICE interviews are voluntary and may feel pressured to speak without legal counsel.
- This bill mandates a written consent form in multiple languages explaining their rights, ensuring that no one unknowingly waives their legal protections.

- It also informs individuals of their right to have an attorney present, aligning with fundamental due process principles.

2. Provides Transparency in Law Enforcement and ICE Interactions

- Under this bill, any ICE hold, notification, or transfer request must be disclosed to the detained individual.
- If law enforcement notifies ICE of an individual's release date, that same information must be shared with the individual, their attorney, and a designated contact.
- Public records requirements ensure that law enforcement cooperation with ICE is documented, providing oversight and accountability.

3. Prevents the Unjust Targeting of Vulnerable Communities

- Without clear policies like those in HB457 HD1, immigrant communities may be less likely to trust law enforcement out of fear of deportation.
- This fear can discourage victims and witnesses of crime from reporting incidents, undermining public safety for all Hawai'i residents.
- By affirming that local law enforcement is not an extension of ICE, this bill helps foster trust between communities and public safety officials.

4. Maintains Hawaii's Commitment to Civil Rights and Constitutional Protections

- The Hawai'i State Constitution explicitly protects individuals from discrimination based on race, religion, sex, or ancestry.
- While immigration enforcement is a federal responsibility, our state has the discretion to ensure that its law enforcement agencies uphold fairness and justice.
- HB457 HD1 aligns Hawaii's policies with best practices from other states that have adopted similar safeguards to protect due process rights.

In conclusion:

HB457 HD1 is a reasonable, fair, and necessary measure to ensure that individuals in state and local custody are treated with dignity and informed of their legal rights. This bill promotes transparency, accountability, and public trust while reinforcing Hawaii's long-standing commitment to civil rights and inclusion.

Stonewall Caucus Testimony in Strong Support of House Bill 457 HD1
RELATING TO CIVIL RIGHTS PROTECTIONS RELATING TO CIVIL RIGHTS PROTECTIONS

I respectfully urge the committee to pass HB457 HD1 to safeguard the constitutional rights of all individuals in Hawai'i.

Mahalo for the opportunity to testify.

Respectfully,

Abby Simmons (she/her)
Chair & SCC Representative
Stonewall Caucus
Democratic Party of Hawai'i
<https://linktr.ee/stonewalldph>
(808)352-6818



TESTIMONY
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
HB457 RELATED TO CIVIL RIGHTS PROTECTIONS
Wednesday, February 19, 2025, at 2:00 PM, State Capitol Conference Room

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee

Submitted in STRONG OPPOSITION by Jamie Detwiler, Hawaiian Islands Republican Women.

HB457 states, the legislature further finds it is essential to ensure that immigrants and migrants in the custody of state and local law enforcement are provided appropriate due process and civil rights protections.

If you are in the country illegally, you do not have civil rights protections. You are not a U.S. Citizen. Therefore, you do not have civil rights protections under the law.

According to U.S. Homeland Security Border Czar, Tom Homan, if anyone or any organizations are knowingly harboring and protecting illegal aliens, that's a violation of Title 8, United States Code 1324.

HB457 proposes to:

- Provide language interpreter services
- State that the interview with U.S. Immigration Customs Enforcement (ICE) is voluntary
- Request legal representation
- Uses the term, "law enforcement agency" to mean local law enforcement and articulates their roll in interacting with ICE. The legislature should not be dictating procedures to local law enforcement.

U.S. Law

According to Pam Bondi, U.S. Attorney General, if you are violating Title 8, U.S.C. 1324, you run the risk of receiving consequences for violating the law including losing Federal funding

This bill is ambiguous and lacks critical details to be seriously considered to pass.

We are respectfully asking you to uphold your oath of office. Please vote NO on HB457 to protect the citizens of Hawaii. Thank you for the opportunity to testify.

Respectfully submitted,

Jamie Detwiler, President
Hawaiian Islands Republican Women



Statement Before The
Wednesday, February 19, 2025
2:00 PM
Conference Room 325 & Videoconference

in consideration of
HB457, HD1

RELATING TO CIVIL RIGHTS PROTECTIONS.

Chair TARNAS, Vice Chair POEPOE, and Members of the
House Judiciary & Hawaiian Affairs Committee

The Legal Clinic (TLC) supports HB457, HD1, which requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations. TLC has one suggested minor amendment.

TLC is a Hawai'i nonprofit, nonpartisan organization. TLC is a direct legal services provider, representing those in Hawai'i who meet income eligibility guidelines without regard to immigration status, national origin, ethnic background, race, religion, ideology, gender identity, sexual orientation, age, or disability. TLC works alongside immigrants so they can attain authorization to work and live with dignity, reunite with their families after years of separation and escape horrific violence to find refuge in the United States. TLC recognizes that every person needs and deserves to feel a sense of trust, welcome, and belonging.

According to the 2020 U.S. Census, Hawai'i is the most diverse state in the nation.¹ In 2023, Hawai'i had about 256,000 immigrants, which is approx. 18% of the State population.² The top countries of origin for immigrants were the Philippines (45 percent of immigrants), China (9 percent), Japan (8 percent), Korea (6 percent), and the Pacific Island Nations (4 percent).³ There

¹ See <https://thehill.com/homenews/state-watch/567625-hawaii-california-and-nevada-are-most-diverse-states-in-the-us-census/> (retrieved 1/14/2025).

² See <https://usafacts.org/answers/how-many-immigrants-are-in-the-us/state/hawaii/> and <https://data.census.gov/profile/Hawaii?g=040XX00US15#populations-and-people> (retrieved 1/14/2025).

³ See https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_hawaii.pdf (retrieved 1/14/2025).

are between 41,000 -50,500 undocumented immigrants in Hawai'i.⁴ Hawai'i is the only state where undocumented women (55%) outnumber men.⁵

Hawai'i has strong State constitutional civil rights protections. Article I, Section 5 of the State Constitution affirmatively states that:

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. [Ren and am Const Con 1978 and election Nov 7, 1978]

However, once someone has been taken into State and/or local law enforcement custody, it is unclear how, or if, ICE is making contact with the individual.

The purpose of this HB457, HD1 is to require state and local law enforcement agencies to notify an individual of their rights when in Hawaii law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations. Prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

Upon receiving an ICE hold, notification, or transfer request, state and local law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and local law enforcement will also notify the individual's attorney or the individuals designee within 2 business days.

TLC suggests one minor amendment. TLC was informed in a meeting with HPD that some individuals communicate better orally, and therefore, TLC suggests that state and local law enforcement agencies be required to notify individuals orally in language before any interview with or transfer U.S. ICE. This may be via pre-recorded in language statements.

Communications with ICE will be public records and state and local law enforcement agencies will hold two community forums per annum to provide information to the public about ICE's access to individuals and to receive and consider public comment.

⁴ See <https://www.civilbeat.org/2024/12/data-dive-hawai%CA%BBi-deportation-cases-hit-quarter-century-high/> (retrieved 1/14/2025).

⁵ See <https://mchb.tvvisdata.hrsa.gov/Narratives/Overview/a0ac94c0-8538-417e-85c9-da6ac5c06603> (retrieved 1/14/2025).

The immigration court data show that FY2024 saw a spike in Hawai'i cases – total 915 – with a majority of them being deportation cases.⁶ With the Trump Administration promising to deport immigrants at unprecedented levels, TLC is expecting a greater surge in ICE activities, leading to increased concerns about ICE interactions with individuals in the custody of state and local law enforcement agencies.

Hawaii's immigrant population is an integral part of Hawaii's community and are our neighbors, co-workers, and 'ohana. Targeting a significant portion of Hawaii's community in terms of both size and positive economic contributions without providing for fair and just due process warnings, under Article I, Section 5 of the State Constitution, and alerting the public at large as to actions being taken against our community members are not pono. Community policing to establish trust and collaboration between law enforcement and communities to prevent crime and improve community safety will be jeopardized.

Thus, HB457, HD1, requiring state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody prior to an any interview with ICE of certain matters regarding civil immigration violations, is fair, just, and mandated by the Hawai'i State Constitution. HB457, HD1 will ensure that people are afforded the necessary protections under the law, families and communities are preserved, and our human rights and dignity are respected.

Thank you for the opportunity to testify in support of HB457, HD1, with one suggested amendment, and TLC respectfully urges the Committee members to pass HB457, HD1 out of your Committee. If you have questions of me, please contact me at sma@tlchawaii.org.

Very respectfully yours,

Sandy Ma

Sandy Ma
Community & Policy Advocate
The Legal Clinic

⁶ See <https://www.civilbeat.org/2024/12/data-dive-hawai%CA%BBi-deportation-cases-hit-quarter-century-high/> (retrieved 1/14/2025).

HB-457-HD-1

Submitted on: 2/17/2025 8:15:20 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Matsunaga	Save Medicaid Hawaii	Support	Written Testimony Only

Comments:

Save Medicaid Hawaii supports HB457 HD1



Randy Perreira
President

HAWAII STATE AFL-CIO

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The Thirty-Third Legislature
House of Representatives
Committee on Judiciary & Hawaiian Affairs

Testimony by
Hawaii State AFL-CIO

February 19, 2025

TESTIMONY IN SUPPORT OF HB457 HD1 - RELATING TO CIVIL RIGHTS PROTECTIONS

Chair Tarnas, Vice Chair Poepoe, and members of the committee:

The Hawaii State AFL-CIO is a state federation of 76 affiliate labor organizations representing over 69,000 union members across Hawaii in industries including healthcare, construction, hospitality, entertainment, transportation, and government. The AFL-CIO serves its affiliates by advocating for the rights of working families, promoting fair wages, ensuring safe working conditions, and supporting policies that strengthen Hawaii's workforce.

We are in support of HB457 HD1, which requires state and local law enforcement agencies to notify individuals in their custody of their rights before any interview with U.S. Immigration and Customs Enforcement (ICE) regarding civil immigration violations. In these uncertain times, recent federal immigration policies have heightened concerns and created confusion among immigrant communities. This bill is an important step toward ensuring that individuals are informed of their rights, including the voluntary nature of ICE interviews and their ability to have legal representation present.

Immigrants contribute significantly to Hawaii's workforce and are vital to many industries that sustain our economy. Providing clear guidelines for law enforcement interactions with ICE fosters trust and cooperation, which are essential to maintaining public safety and a stable workforce.

Respectfully submitted,

A handwritten signature in black ink that reads "Randy Perreira".

Randy Perreira
President



HB 457, HD1, RELATING TO CIVIL RIGHTS PROTECTIONS

FEBRUARY 19, 2025 · JHA HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports HB 457, HD1, relating to civil rights protections, which requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.

Imua Alliance is a victim service provider for survivors of sex trafficking, including numerous migrant survivors. Over the past 15 years, we have provided comprehensive direct intervention (victim rescue) services to over 200 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. During the pandemic, demand for services to our organization skyrocketed by 330 percent, driven in part by a fivefold increase in direct crisis calls.

Many of the victims we have assisted have suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma and trauma-coerced attachment can even lead to a complete loss of identity and significant memory loss. Our survivor-clients require a tremendous amount of psychological, medical, and occupational support once outside of the commercial sex industry, as they painstakingly progress toward recovery.

Countless human trafficking survivors are migrants. Our state's migrant survivor population is difficult to estimate, but exceeds 500-1,000 people annually. These individuals are exploited in local storefront brothels (such as fake massage parlors and relaxation therapy establishments), on local farms, and in our fishing industry, where they are forced to endure inhumane conditions and are stripped of any documentation and identification materials they may have.

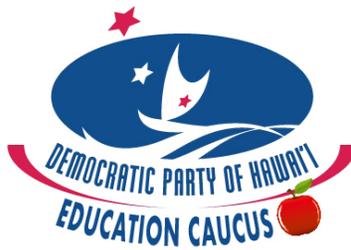
We should provide assistance and a path to citizenship for immigrants, not punishment and fear. According to a report published by the American Immigration Council in 2020, Hawai'i is home to over 266,000 immigrants, including 45,000 thousand undocumented immigrants. As a society, we treasure our immigrant heritage, from which we have developed a legacy of multicultural cooperation and an abiding respect for the limitless value of diversity.

President Donald Trump has signaled his intent to implement a draconian, arbitrary, and cruel system of enforcement when it comes to immigration. Already, immigration raids have been initiated throughout the country, including in our island home. On January 27th, Hawai'i News Now reported that the local office of Homeland Security Investigations posted photos on social media of officers from U.S. Immigration and Customs Enforcement and Drug Enforcement Administration arresting immigrants on our shores. Trump officials have also begun issuing quotas to ICE officers to ramp up arrests, according to the Washington Post.

Advocates and, of course, immigrants themselves—both documented and undocumented—are justifiably concerned about these mass deportation actions. As the American Immigration Council stated in its “After Day One” factsheet: “The initial wave of executive actions scales up a “mass deportation” operation that everyone without legal status in the United States will be highly vulnerable to on the first day these practices go into effect. Indeed, by invoking the registration provision, the Trump administration is threatening to turn all immigrants into criminals by setting them up for the ‘crime’ of failing to register,” which they have no way to do.

From a historical perspective, we are all immigrants. We urge your committee to act with haste to defend the many immigrants who make our communities proud and call the Aloha State home.

Contact us at imuaalliance.org/contact.



HOUSE BILL 457, HD1, RELATING TO CIVIL RIGHTS PROTECTIONS

FEBRUARY 19, 2025 · JHA HEARING

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** HB 457, HD1, relating to civil rights protections, which requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement custody before any interview with United States Immigration and Customs Enforcement on matters about immigration violations.

Hawai'i understands the value of immigration and cultural diversity. Our island home—like the United States—is defined by immigration and a legacy of migrant labor that has bestowed upon us a rich social tapestry, multifaceted economy, and an everlasting respect for the principles of democracy and pluralism. As Barack Obama once said, “What makes someone American isn’t just blood or birth, but allegiance to our founding principles and faith in the idea that anyone—from anywhere—can write the next chapter of our story.”

Today, however, we are witnessing a cruel campaign of mass deportation being implemented throughout the country—including in our state—which is undermining the roots of communities in which migrants are celebrated members. Recently, the Trump administration has removed restrictions that prevented Immigration and Customs Enforcement from conducting raids at so-called sensitive locations, including schools (as well as houses of worship and hospitals).

We cannot sit idly by while Donald Trump enacts a campaign of fear against our immigrant neighbors. These actions will not prop up the American economy. On the contrary, immigrant labor is essential to the preservation of our society's financial well-being. Immigrants boost overall economic growth by expanding the labor force and increasing consumer spending. The foreign born also start new businesses at higher rates than U.S.-born individuals. Immigrants were involved in the development of 30 percent of patents in strategic industries in recent years and more than 40 percent of Fortune 500 companies were founded by immigrants.

Higher-than-expected immigration is driving job growth and productivity and *was* projected to continue doing so in the coming years: The Congressional Budget Office (CBO) estimates that a greater level of immigration expected between 2024 and 2034 *could have* boosted gross domestic product (GDP) by \$8.9 trillion. Yet, these gains will be jeopardized by the Trump Administration's inhumane mass deportation actions, which harken back to the race-based policies of the 19th and early 20th Centuries and draw frightening parallels to the policies put in place by violent authoritarian governments throughout history, including the Nazi regime.

Immigrants exist in our neighborhoods, our schools, our workplaces, and all other spaces in our state. They empower our society to thrive, despite the social and political violence with which they are forced to endure. As a state, we have a responsibility to protect their well-being. If we fail, history will remember our complicity in the annihilation of human rights and civil liberties, and our unwillingness to do what is right to preserve the most fundamental tenets of our democracy.

Contact: educationcaucusdph@gmail.com



Cade Watanabe, Financial Secretary-Treasurer

Gemma G. Weinstein, President

Eric W. Gill, Senior Vice-President

February 18, 2025

House Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Testimony in Support of HB457_HD1 for hearing on February 19, 2025, 2:00pm

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

UNITE HERE Local 5 represents 10,000 working people in the hotel, food service and health care industries across Hawaii.

We support HB457_HD1 as it provides transparency, public access and public participation in immigration matters between federal agencies and Hawaii state law enforcement. HB457_HD1 also provides that people in custody of law enforcement are informed of their rights. Public access to information and informing people of their rights are basic democratic principles we support.

The United States is founded on the ideas of freedom. Migration is freedom. The ability to move freely to pursue a better life is freedom. The ability to safely leave a place and safely arrive in a new place is freedom of movement. When that freedom is threatened, we must act on our values and protect those people from policies designed to restrict human freedoms.

Hawaii, as a melting pot of immigrants and their descendants, is a beneficiary of that freedom to migrate. Many of our union members are immigrants or children of immigrants, they are the working-class families, friends and neighbors that make up the fabric of our Hawaii communities.

Thank you for this opportunity to testify.

HB-457-HD-1

Submitted on: 2/18/2025 10:02:58 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Haleyalpiy	COFACAN	Support	Written Testimony Only

Comments:

Dear Chairs, Vice Chairs, and Members of the Committees,

My name is Austin Haleyalpiy with COFACAN, and I am writing in strong support of HB22, which places necessary limitations on state and county law enforcement agencies' collaboration with ICE.

ICE civil immigration detainers frequently lead to the detention of individuals without due process, raising constitutional concerns and undermining public trust in law enforcement.

Establishing clear guidelines on when compliance with these detainers is appropriate will ensure fairness and maintain strong community-police relationships.

I urge the committee to pass HB22 to protect due process and uphold community trust.

Mahalo for your time and consideration.

Austin Haleyalpiy



Hawai'i Children's Action Network Speaks! is a nonpartisan 501c4 nonprofit committed to advocating for children and their families. Our core issues are safety, health, and education.

To: House Committee on Judiciary and Hawaiian Affairs
Re: HB 457 HD 1 Relating to Civil Rights Protections

Hawai'i State Capitol, Conference Room 325 & Via Videoconference
Wednesday, February 19, 2025, 2:00PM

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

On behalf of HCANSpeaks!, I am writing in support of HB 457 HD 1, Relating to Civil Rights Protections. This bill requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement (ICE) on certain matters regarding immigration violations.

This bill would require that before any interview with ICE, individuals are given a written consent form in their native language. Providing a written consent form in an individual's native language is a basic measure that upholds fairness and due process. This bill prevents coercion and strengthens trust between immigrant communities and law enforcement.

This bill acknowledges that every resident should have a clear understanding of their rights and be able to make informed decisions based on all the facts. Although the state has limited influence over how federal immigration agents operate, it can establish important standards for how the civil rights and due process of its residents are handled while in state or local custody. Upholding civil rights protections of residents when in Hawai'i law enforcement agency custody prior to any interview with ICE is fair, just, and mandated by the Hawai'i State Constitution.

I urge you to support this bill. Mahalo for the opportunity to submit testimony in **support of HB 457 HD 1.**

Sincerely,
Noreen Kohl, Ph.D.
Policy Researcher and Advocate



IATSE LOCAL 665

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INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES, MOVING PICTURE TECHNICIANS, ARTISTS AND ALLIED CRAFTS
OF THE UNITED STATES, ITS TERRITORIES AND CANADA, AFL-CIO, CLC

Thirty-Third Legislature, State of Hawai'i
Regular Session of 2025
House Committee on Judiciary & Hawaiian Affairs

Testimony by IATSE 665
February 19th, 2025

HB 457 HD1 – Relating to Civil Rights Protections

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the House Committee,

My name is Tuia'ana Scanlan, president of IATSE 665 and IATSE International Trustee. Our union represents technicians and artisans in the Live Event, Tradeshow, and Film/TV sectors of Hawai'i's Entertainment industry. **Local 665 strongly supports HB 457 HD1- Relating to Civil Rights Protections.**

The residents of Hawai'i and our immigrant communities have long been a cornerstone of our economy, our culture, and our way of life. If we do not act, the current presidential administration will wreak havoc on our communities. Neighbors, businesses, and even school children will be directly impacted. In light of the current federal administration's priorities, it is imperative that Hawai'i enacts bold legislation for the protection of its residents. The economic and cultural impact of our diverse community cannot be understated. Hawai'i has historically been at the forefront of the civil rights movement. Now more than ever, the working families of Hawai'i need support. We thank the architects of this bill for their courage and foresight.

Local 665 strongly supports HB 457 HD1. We urge your committee to pass this important measure. Thank you for the opportunity to provide testimony.

In Solidarity,

A handwritten signature in black ink, appearing to read 'Tuia'ana Scanlan'.

Tuia'ana Scanlan
President, IATSE 665
IATSE International Trustee
he/him/his



STATE OF HAWAII ORGANIZATION OF POLICE OFFICERS

Robert Cavaco
State Board President

" A Police Organization for Police Officers Only "
Founded 1971

Term of Office
1-2022 to 12-2025

February 18, 2025

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

Re: **HB 457 HD1 – Relating to Collaboration with the Federal Government**

Dear Chair Tarnas, Vice-Chair Poepoe, and Honorable Committee members:

I serve as the President of the State of Hawaii Organization of Police Officers ("SHOPO") and write to you on behalf of our Union in opposition to HB 457 HD1, which proposes additional requirements for state and local law enforcement agencies regarding interactions with United States Immigration and Customs Enforcement (ICE) concerning civil immigration violations. We appreciate the legislature's intent to protect the rights and privacy of Hawaii's residents; however, we believe that the current legal framework adequately addresses these concerns and that HB 457 HD1 is unnecessary.

First, Hawaii's current legal framework already provides robust protections for individuals in custody, ensuring that their civil rights are respected and upheld. Article I, section 5, of the Hawaii State Constitution, guarantees that no person shall be denied equal protection of the laws or be discriminated against based on race, religion, sex, or ancestry. This constitutional provision, along with existing state laws, ensures that all individuals, including immigrants, are treated fairly and with dignity.

Second, the current laws in place allow law enforcement agencies to exercise discretion in their interactions with federal immigration authorities. Federal law does not mandate state and local entities to collect or share information with federal immigration agencies, nor does it impose an affirmative duty to do so. This discretion is crucial for maintaining the balance between enforcing immigration laws and protecting the civil rights of individuals in Hawaii.

Third, the proposed bill would likely impose additional administrative burdens on law enforcement agencies by requiring them to provide written consent forms and notifications to individuals in custody before any interview with ICE. This requirement could divert resources away from critical law enforcement activities and hinder the ability of officers to perform their duties effectively, which is especially concerning given the critical shortage of county police officers that we are already grappling with.

Main Office & Honolulu Chapter Office
1717 Hoe Street
Honolulu, Hawaii 96819-3125
Tel: (808) 847-4676 "84 SHOPO"
www.shopohawaii.org Fax: (808) 841-4818

Hawaii Chapter Office
688 Kinoole Street, Room 220B
Hilo, Hawaii 96720-3877
Tel: (808) 934-8405
Fax: (808) 934-8210

Kauai Chapter Office
3176 Oihana Street, Suite 104, Lihue
Mailing Add: P. O. Box 1708
Lihue, Hawaii 96766-5708
Tel: (808) 246-8911

Maui Chapter Office
1887 Wili Pa Loop, Suite 2
Wailuku, Hawaii 96793-1253
Tel: (808) 242-6129
Fax: (808) 242-9519

Fourth, the bill's provisions potentially duplicate existing protections and procedures already in place, which are sufficient to ensure that individuals' rights are protected during interactions with ICE. The requirement for law enforcement agencies to notify individuals of their rights and provide consent forms is likely redundant given the existing legal safeguards. More concerning is the fact that by imposing additional procedural requirements, the bill could inadvertently impact public safety. Law enforcement agencies need the flexibility to respond swiftly and effectively to situations involving individuals in custody. The proposed bill could create delays and complications that hinder law enforcement operations. The existing laws provide a balanced approach that respects the rights of individuals while allowing law enforcement agencies to fulfill their responsibilities. The proposed changes in HB 457 HD1 are unnecessary and could undermine the effectiveness of law enforcement efforts in the state.

In conclusion, SHOPO urges the committee to consider the sufficiency of existing laws and the potential negative impacts of HB 457 HD1. We respectfully request that the committee oppose this bill to ensure that law enforcement agencies can continue to operate effectively and protect the rights of all individuals in Hawaii.

Thank you for considering our testimony.

Respectfully submitted,
ROBERT CAVACO
SHOPO President

RC: ja



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

February 19, 2025

H.B. 457, H.D. 1 — RELATING TO DUE PROCESS PROTECTION

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the intent of H.B. 457, H.D. 1, which requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.

We recognize that our union membership stems from a broad array of cultural and ethnic backgrounds. Furthermore, we recognize that immigrants have played a vital role in Hawaii's labor movement, even dating back to our state's plantation era. The education of an individual's rights is core value that labor union's stand for, particularly in the workplace. Given the drastic and extreme shift in our federal government policy on immigration, we appreciate the intent of this measure which requires local law enforcement agencies to notify an individual of their rights prior to any interview with the United States Immigration and Customs Enforcement agency.

Thank you for the opportunity to provide testimony in support of H.B. 457, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

Testimony of Liza Ryan-Gill
In SUPPORT of HB457 HD1
COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date: February 19th, 2025

Dear Chair, Vice Chair, and Members of the Committee,

Mahalo for the opportunity to testify on behalf of the Hawai‘i Coalition for Immigrant Rights (HCIR) in **strong support** of HB457 HD1. This bill is critical to ensuring that individuals in the custody of Hawai‘i law enforcement agencies are informed of their rights prior to any interview with U.S. Immigration and Customs Enforcement (ICE) regarding civil immigration violations.

As a coalition representing over 30 immigrant-serving and immigrant-led organizations, HCIR is deeply committed to promoting policies that safeguard immigrant communities and uphold the civil rights and dignity of all individuals in Hawai‘i. HB457 directly aligns with Hawai‘i’s constitutional values and principles, which affirm that no person shall be denied equal protection of the laws or civil rights based on race or ancestry, as stated in Article I, Section 5 of the State Constitution.

Promoting Transparency and Protecting Civil Rights

HB457 introduces vital safeguards to protect individuals’ civil rights by requiring that they be informed of their rights before engaging with ICE. The bill mandates the use of written consent forms in individuals’ native languages, ensuring clarity about the voluntary nature of ICE interviews and their right to have an attorney present.

This transparency is essential for building trust between law enforcement and communities. When individuals understand their rights and are treated with respect, it fosters cooperation and strengthens community policing efforts. Conversely, ICE interactions without proper notification can erode trust, discourage reporting of crimes, and jeopardize public safety.

Building Trust Through Community Accountability

HB457 also requires public records of communications with ICE and mandates two annual community forums to provide transparency and accountability regarding ICE’s access to individuals in custody. These forums will empower communities to engage in dialogue, hold agencies accountable, and provide critical feedback on practices affecting immigrant populations.

Upholding Hawai‘i’s Values and Constitution

Hawai‘i’s immigrant community is an integral part of our state, making up 18% of the population and contributing significantly to industries like agriculture, healthcare, and tourism. Undocumented immigrants alone contributed \$157.2 million in state and local taxes in 2022.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

These contributions highlight the need for policies that protect, not marginalize, immigrant communities.

By requiring clear notification of rights and transparency in ICE interactions, HB457 ensures that our state's actions remain pono—fair, just, and aligned with the values of aloha and inclusion. This bill affirms that Hawai'i prioritizes the dignity of all its residents and respects the constitutional protections that define our state.

On behalf of the Hawai'i Coalition for Immigrant Rights, I respectfully urge the Committee to pass this measure and demonstrate our state's unwavering commitment to equity, justice, and the protection of all communities.

Mahalo for the opportunity to testify.

Liza Ryan-Gill
Executive Director
Hawai'i Coalition for Immigrant Rights



CATHOLIC CHARITIES HAWAII

**TESTIMONY IN SUPPORT OF HB457, HD1:
RELATING TO CIVIL RIGHTS PROTECTIONS**

TO: House Committee on Judiciary & Hawaiian Affairs
FROM: Tina Andrade, President and CEO, Catholic Charities Hawai'i
Hearing: **Wednesday, 2/19/25, 2:00 pm; Room 325 & Videoconference**

Chair Tarnas, Vice Chair Poepoe and Members, Committee on Judiciary & Hawaiian Affairs:

Catholic Charities Hawai'i **Supports HB 457, HD1, Relating to Civil Rights Protections**, to require state and local law enforcement agencies inform individuals of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.

Catholic Charities Hawai'i (CCH) is a tax exempt, non-profit agency that has been providing social services in Hawai'i for over 75 years. CCH has programs serving elders, children, families, homeless and immigrants. Our mission is to provide services and advocacy to the most vulnerable of the people in Hawai'i. We service over 113,000 people each year throughout the state. We are a Department of Justice (DOJ) Recognized Organization and our General Immigration Service Program provides legal immigration services with staff who are accredited through the DOJ.¹

Providing a written consent form in an individual's native language is a basic measure that upholds fairness and due process. This bill prevents coercion and strengthens trust between immigrant communities and law enforcement.

Catholic Charities Hawai'i urges your support for this bill, which recognizes that every resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

If you have any questions, please contact our Legislative Liaison, Betty Lou Larson, at (808) 5274813.

¹ <https://www.justice.gov/eoir/page/file/942306/dl#HAWAII>

HB-457-HD-1

Submitted on: 2/18/2025 11:09:36 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Veronica Mendoza	Roots Reborn Maui	Support	In Person

Comments:

Re: Testimony in SUPPORT of HB457 HD1

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

To: Representative David A. Tarnas, Chair, Representative Mahina Poepoe, Vice Chair

Hrg: Wednesday, February 19, 2025, 2:00, Conference Room 325

Dear Chairs, Vice Chairs, and Members of the Committees,

As the founding director of Maui Roots Reborn, I've witnessed firsthand the resilience and vulnerability of our migrant and immigrant communities. Born as a response to the 2023 Maui wildfires, our organization, comprised entirely of bilingual and bicultural migrants and children of immigrants, has become a lifeline for our community. We are trusted, we understand the cultural nuances, and we share the lived experiences of those we serve.

We have dedicated ourselves to earning the trust of our community and helping them rebuild their faith in institutions and organizations, especially after the trauma of the wildfires. This has been a long and careful process, requiring sensitivity, understanding, and a genuine commitment to their well-being. We've worked tirelessly to bridge the gap where trust did not previously exist, fostering relationships and open communication. Most recently, we have focused on building a sense of safety and trust between our immigrant community and the police department, assuring them that they can rely on law enforcement for protection and assistance.

This is why, in the face of the current Presidential administration's proposed Department of Homeland Security policies and the looming threat of ICE agents arriving in Hawai'i to tear apart our communities, we must pass House Bill 457. Our immigrant families, already traumatized by the 2023 wildfires, now face the terrifying prospect of detention and deportation. This bill ensures that individuals in law enforcement custody are informed of their rights before being interviewed by ICE regarding immigration violations. Providing a written consent form in an individual's native language is a basic measure that upholds fairness and due process. This bill prevents coercion and strengthens trust between immigrant communities and law enforcement.

The Trump era's "zero tolerance" policy provides a chilling example of what can happen when due process is disregarded. Families were torn apart, individuals were detained indefinitely without charge, and basic rights were routinely ignored. This shameful chapter in our nation's

history must never be repeated. Failing to notify individuals of their rights violates the Fifth Amendment's due process clause, the Immigration and Nationality Act, and the Administrative Procedure Act.

To be clear, failure to pass HB457 would be nothing less than a racist act by the Hawai'i State Senate, and would fall in line with the current President's xenophobic rhetoric.

Furthermore, it sets a dangerous precedent that erodes the civil liberties of all citizens, regardless of immigration status. Immigrants are valuable members of our communities who make our islands stronger. They play a vital role in Hawaii's economy by paying taxes, driving innovation and progress, starting essential businesses, and filling critical roles across industries. They also add to the cultural melting pot that makes Hawai'i one of the most diverse states in our nation.

Roots Reborn urges Hawai'i to lead the way in ensuring that members of our immigrant community are protected in our state and our nation. We strongly encourage you to act in the passage of this bill, ensuring that individuals in law enforcement custody are fully informed of their rights, further affirming our collective commitment to a resilient and healthy future for all Hawai'i residents, regardless of immigration status.

Sincerely,

Veronica Mendoza Jachowski

Executive Director

Roots Reborn

HB-457-HD-1

Submitted on: 2/18/2025 12:58:11 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
amy agbayani	hawaii friends of civil rights	Support	Remotely Via Zoom

Comments:

Testimony in support submitted by Amy Agbayani and Pat McManaman, co-chairs

Hawai'i Friends of Civil Rights

Hawai'i Friends of Civil Rights supports HB 457. Hawa'i has strong State Constitution civil rights protection. This bill requires state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement custody before any interview with US ICE on certain matters regarding immigration violation. This bill will ensure that people are afforded the necessary protections under the law are preserved and these immigrants are treated fairly.

HB-457-HD-1

Submitted on: 2/14/2025 5:39:20 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I vehemently oppose House Bill 457, which aims to impose new bureaucratic layers between law enforcement and Immigration and Customs Enforcement (ICE). This bill, while framed as a protector of civil rights, is misguided at best and dangerous at worst. I urge you to **VOTE NO** for the following reasons:

1. Hindering Effective Law Enforcement:

This bill adds unnecessary procedural hurdles that could delay and complicate law enforcement's duties. Requiring written consent forms and notifications in multiple languages before an ICE interview not only strains our already limited resources but also slows down the process of identifying and addressing individuals who might pose risks to public safety. This is not about protecting rights; it's about obstructing justice.

2. Compromising Public Safety:

By mandating that law enforcement agencies share their intentions regarding compliance with ICE requests with the detained individual, we're potentially tipping off those who might be a flight risk or a danger to society. This could lead to individuals absconding or becoming less cooperative, thereby endangering our communities and undermining the effectiveness of both local and federal law enforcement efforts.

3. Privacy and Security Risks:

Making records of ICE interactions public could lead to privacy violations for individuals involved and security risks for law enforcement operations. This bill's requirement for transparency might deter cooperation from victims or witnesses in immigration-related cases out of fear of reprisal or exposure, thus hampering investigations.

4. Financial and Administrative Burden:

The administrative load of ensuring consent forms in multiple languages, notifying attorneys and third parties, and holding community forums will significantly increase the cost and workload for our law enforcement agencies. These resources could be better directed towards actual policing, crime prevention, and community engagement rather than administrative compliance.

5. Misguided View of Due Process:

While due process is crucial, this bill misapplies it in a way that could shield individuals from accountability for immigration violations. By making interviews with ICE voluntary, we're essentially giving those who might have broken the law an easy out, which contradicts the principle of equal protection under the law for all, including those enforcing immigration laws.

6. Potential for Legal Confusion and Conflict:

This legislation could create a patchwork of local policies that conflict with federal law, leading to confusion, legal challenges, and inconsistency in how immigration enforcement is handled across different jurisdictions within Hawaii. This does not promote the uniform application of justice but rather sows discord and inefficiency.

7. Undermining Federal Authority:

By dictating how local law enforcement should interact with a federal agency like ICE, this bill oversteps state authority and could be seen as an attempt to nullify federal law within state borders, setting a dangerous precedent for state-federal relations.

8. Conclusion:

This bill, under the pretext of enhancing civil rights, would actually undermine public safety, law enforcement efficiency, and the integrity of our legal system. I strongly urge this committee to **VOTE NO** on House Bill 457 to preserve the balance between protecting rights and ensuring the safety and security of all Hawaii residents.

HB-457-HD-1

Submitted on: 2/14/2025 8:36:28 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Remotely Via Zoom

Comments:

I strongly support this bill. People in this country have rights: the right to a fair trial, the right to a speedy trial, the right to representation, and the right to exist. Regardless of status or guilt, immigrants do have these rights, and they deserve to be informed about them. They might not be citizens of the US, but they deserve to be respected and given the dignity of human beings. So, I support this bill of informing immigrants of their rights if they are detained. The system is already difficult for those who are innocent in immigration court. They are already not given a fair trial, and do not get a fast or just trial. And looking at the current president's disregard for human rights and seriously considering concentration camps and ethnic cleansing, I think we should do all in our state's power to ensure that we give the benefit of innocence to all who are accused.

HB-457-HD-1

Submitted on: 2/14/2025 9:07:48 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

In STRONG SUPPORT of HB 457 HD1.

Aloha Chair and members of the Committee,

Please vote YES on this measure. Everyone in Hawaii deserves due process and the full application of their civil rights.

Nancy Moser in Waikoloa on Hawai'i Island

HB-457-HD-1

Submitted on: 2/14/2025 9:40:27 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brett Kulbis	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas and Committee Members,

My name is Brett Kulbis, I'm a 26yr Navy Veteran and Retired Civil Servant. I live in Ewa Beach.

I STRONGLY OPPOSE HB-457.

This bill threatens the very fabric of our law enforcement system and compromises public safety. If enacted, it would impose an unnecessary and burdensome requirement on our brave men and women in law enforcement, demanding that they notify individuals in custody of their rights specifically regarding interactions with the U.S. Immigration and Customs Enforcement.

Hawai'i law enforcement agencies already have detailed procedures to ensure the protection of an individual's rights during custody. These procedures are designed to uphold the principles of justice and due process. To suggest that our dedicated officers are incapable of carrying out their duties without additional bureaucratic hurdles is an insult to their professionalism.

By focusing on immigration-related matters, this bill creates a double standard. Why should we treat individuals with potential immigration violations differently from those suspected of other crimes? The answer is simple: we shouldn't. All individuals, regardless of their immigration status, must be afforded the same rights and due process under the law.

Hawai'i, like every other state, faces its fair share of challenges when it comes to maintaining public safety. Our law enforcement agencies work tirelessly to combat crime, protect our communities, and ensure the rule of law. This bill, however, would only serve to hinder their efforts.

When law enforcement officers are burdened with additional administrative tasks, it diverts their attention and resources away from their primary mission—keeping our streets safe. We must not allow political agendas to interfere with the efficient and effective operation of our police forces.

Respectfully, I STRONGLY encourage you to vote NO on HB-457. Hawaii deserves better than legislation that undermines our police and creates loopholes for those who break the law.

HB-457-HD-1

Submitted on: 2/15/2025 10:03:17 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Travis Warren Nishii	Individual	Support	Written Testimony Only

Comments:

I am writing in support of HB457. The purpose of this bill is to require state and local law enforcement agencies to notify an individual of their rights when in Hawaii law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

While the state has very little control over what and how federal immigration agents conduct their work, it is able to set standards for how its residents' civil rights and due process are treated, while in state/local custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

HB-457-HD-1

Submitted on: 2/15/2025 11:07:56 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deborah G. Nehmad	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/15/2025 11:27:12 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Ma	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution

HB-457-HD-1

Submitted on: 2/15/2025 11:40:00 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
martha chantiny	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution It must be explicitly made clear to persons in custody of any law enforcement agency before any interview with United States Immigration and Customs Enforcement on immigration matters



Protect Democracy Move Forward

www.indivisiblehawaii.org
info@indivisiblehawaii.org

February 15, 2025

Testimony in SUPPORT of HB457
COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Representative Greggor Ilagan, Chair
Representative Ikaiki Hussey, Vice Chair

Hearing Date: January 29, 2025

Dear Chair, Vice Chair, and Members of the Committee,

Members of Indivisible Hawai'i Statewide Network thank you for this opportunity to testify in strong support of HB457 which would require State and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody, before any interview with U.S. ICE.

This bill would ensure that before any interview between ICE and an individual be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

While the state has little control over how federal immigration agents conduct their work, we can set standards for how its residents are treated. We must ensure due process and protect civil liberties when in state/local custody.

I strongly urge you to support HB457. Thank you for your support and consideration.

Sincerely,

Gaye Chan

Indivisible Hawai'i Statewide Network

A grassroots movement of thousands of local Indivisible groups with a mission to elect progressive leaders, rebuild our democracy, and defeat the Trump agenda. In Hawai'i, we have ten groups across four islands, representing over a thousand pro-democracy citizens.

HB-457-HD-1

Submitted on: 2/15/2025 12:05:45 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diann Karin Lynn	Individual	Support	Written Testimony Only

Comments:

The State Constitution mandates that state and local law enforcement agencies notify an individual of his rights.

HB-457-HD-1

Submitted on: 2/15/2025 12:25:15 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

I fully agree that State and local law enforcement officials notify individuals of their rights before an interview with US Immigration and Customs. Please support this measure.

Thank you,

Elizabeth Nelson

Kaneohe

HB-457-HD-1

Submitted on: 2/15/2025 12:28:56 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carol Maxym	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

Please vote for this bill.

Thank you.

HB-457-HD-1

Submitted on: 2/15/2025 1:11:35 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chanara Casey Richmond	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB45. People who enter our country illegally are criminals by the very fact that they entered our country illegally. And as foreign criminals, these people do not deserve tax payer funded legal counsel.

Chanara Richmond HD42

HB-457-HD-1

Submitted on: 2/15/2025 1:30:47 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Suellen Barton	Individual	Support	Written Testimony Only

Comments:

Mandate state & local authorities explaining their native tongue the rights they are entitled to

HB-457-HD-1

Submitted on: 2/15/2025 1:31:05 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Redwine	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/15/2025 1:46:38 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alice Smith	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/15/2025 3:27:08 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brenda DuFresne	Individual	Support	Written Testimony Only

Comments:

I support HB457

HB-457-HD-1

Submitted on: 2/15/2025 3:39:15 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James E Raymond	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/15/2025 4:05:10 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Audrey Higbee	Individual	Support	Written Testimony Only

Comments:

Testimony in SUPPORT of HB457

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Representative Greggor Ilagan, Chair

Representative Ikaiki Hussey, Vice Chair

Hearing Date: January 29th, 2025

Dear Chair, Vice Chair, and Members of the Committee,

I am writing in support of HB457. The purpose of this bill is to require state and local law enforcement agencies to notify an individual of their rights when in Hawaii law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

Additionally, upon receiving an ICE hold, notification, or transfer request, state and local law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and local law enforcement will also notify the individual's attorney or the individuals designee within 2 business days.

While the state has very little control over what and how federal immigration agents conduct their work, it is able to set standards for how its residents' civil rights and due process are treated, while in state/local custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

I urge you to support this bill. HB457, requiring state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody prior to any interview with ICE of certain matters regarding civil immigration violations is fair, just, and mandated by the Hawai'i State Constitution.

Thank you for your support and consideration,

Audrey Higbee

HB-457-HD-1

Submitted on: 2/15/2025 4:55:46 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
G L Hutchinson	Individual	Support	Written Testimony Only

Comments:

Please protect our civil rights!

manitory that an individual is advised of thier rights, and it is mandated by our constituion.

(why is it even being discussed?- isnt it already the law?)

mahalo

HB-457-HD-1

Submitted on: 2/15/2025 5:30:39 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Huycke	Individual	Support	Written Testimony Only

Comments:

I support HB457.

HB-457-HD-1

Submitted on: 2/15/2025 6:12:18 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Vivian S. Toellner	Individual	Support	Written Testimony Only

Comments:

I don't want Hawaii to participate in any immigration removal activities. ICE has arrested people in error for years,. In 2012, my friend was held at the Honolulu airport detention center for 29 days, before being released....all because of clerical error!!!

Using state lands for immigration detention facilities contradicts Hawaii's values of welcoming all people regardless of immigration status and diverts critical resources away from affordable housing, sustainable development, and infrastructure improvements. This measure prohibits use or setting aside of public lands, contracting with the federal government, or processing of a permit for the purpose of establishing immigration detention facilities.

HB-457-HD-1

Submitted on: 2/15/2025 6:46:05 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tara Nash	Individual	Support	Written Testimony Only

Comments:

I support civil rights protections for all people!

HB-457-HD-1

Submitted on: 2/15/2025 7:17:19 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Golojuch, Sr.	Individual	Support	Written Testimony Only

Comments:

I support HB457. Please pass this bill.

Mike Golojuch, Sr.

HB-457-HD-1

Submitted on: 2/15/2025 10:28:58 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I am writing in support of HB457. The purpose of this bill is to require state and local law enforcement agencies to notify an individual of their rights when in Hawaii law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

Additionally, upon receiving an ICE hold, notification, or transfer request, state and local law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and local law enforcement will also notify the individual's attorney or the individuals designee within 2 business days.

While the state has very little control over what and how federal immigration agents conduct their work, it is able to set standards for how its residents' civil rights and due process are treated, while in state/local custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

I urge you to support this bill. HB457, requiring state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody prior to any interview with ICE of certain matters regarding civil immigration violations is fair, just, and mandated by the Hawai'i State Constitution.

Thank you for your support and consideration,

Jennifer Lum, 'Ewa Beach

HB-457-HD-1

Submitted on: 2/16/2025 8:23:19 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
JANE TOLLEFSRUD	Individual	Support	Written Testimony Only

Comments:

Please be fair and just! As mandated by the Hawai'i State Constitution, state and local law enforcement agencies need to notify an individual of their rights!

HB-457-HD-1

Submitted on: 2/16/2025 9:04:49 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DeWaine Tollefsrud	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/16/2025 12:49:28 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Aquino	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution

HB-457-HD-1

Submitted on: 2/16/2025 2:13:14 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sheryl Summers	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/16/2025 3:21:17 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Oppose	Written Testimony Only

Comments:

There is no reason to use delaying tactics and interfere with another law enforcement agency like ICE. Our law enforcement officers are also to follow existing laws including any related to people in our country illegally. If a criminal/suspect needs to be advised of their rights I am sure the ICE officers are perfectly capable of doing so if needed.

Thank you,

Mrs. Ruth Love

HB-457-HD-1

Submitted on: 2/16/2025 3:50:23 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Leah Morse	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/16/2025 4:20:22 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Reed Bertollette	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/16/2025 6:25:28 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nikole McGreevey	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and Members of the Committee,

I am writing in support of HB457. The purpose of this bill is to require state and local law enforcement agencies to notify an individual of their rights when in Hawaii law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

Additionally, upon receiving an ICE hold, notification, or transfer request, state and local law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and local law enforcement will also notify the individual's attorney or the individuals designee within 2 business days.

While the state has very little control over what and how federal immigration agents conduct their work, it is able to set standards for how its residents' civil rights and due process are treated, while in state/local custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

I urge you to support this bill. HB457, requiring state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody prior to any interview with ICE of certain matters regarding civil immigration violations is fair, just, and mandated by the Hawai'i State Constitution.

Thank you for your support and consideration,

Dr. Nikki McGreevey

Kaneohe, HI

HB-457-HD-1

Submitted on: 2/16/2025 11:59:00 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kathy Hammes	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution. Our Law Enforcement Agencies are stretched thin to protect and serve our citizens. As an immigrant myself I respectfully request that you pass this bill that will ensure tax dollars are spent sensibly and no just to respond to federally-sanctioned scapegoating of immigrants who are our neighbors, friends, coworkers contributing to the richness of our society.

HB-457-HD-1

Submitted on: 2/17/2025 3:05:44 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Terri Gately	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

In strong support of HB457

February 17, 2025

Representative David Tamas, Chair of House Committee Judiciary and Hawaiian Affairs
Representative Mahina Poepoe, V-Chair House Committee on Judiciary and Hawaiian Affairs

Re: **HB457**: Relating to Immigrant Rights to Counsel

Dear Chair Tamas, V-Chair Poepoe, and Members of the Committee:

My name is Gail Breakey, with Indivisible, and I am testifying in strong support of **HB457**, which requires state and local law enforcement agencies to notify an individual of their rights when in law enforcement agency custody before any interview with United States Immigration and Customs Enforcement on certain matters regarding immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual will be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary and that they may decline to be interviewed or to be interviewed only with their attorney present.

While the state has little control over how federal personnel conduct their work, it is able to set standards for how it's residents civil rights and due process are treated. Each resident of our state deserves to understand their rights and make decisions understanding the facts at hand.

Thank you for your consideration of this important legislation and for the opportunity to testify.

Aloha,

A handwritten signature in black ink that reads "Gail Breakey". The signature is written in a cursive, flowing style.

Gail Breakey, RN, MPH

HB-457-HD-1

Submitted on: 2/17/2025 1:27:31 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Thank you for hearing HB457. I support this measure because notifying an individual of his/her rights regardless of immigration status is fair, just and mandated by our state constitution.

HB-457-HD-1

Submitted on: 2/17/2025 2:44:54 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elena Vorm	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawai'i State Constitution.

HB-457-HD-1

Submitted on: 2/17/2025 3:25:52 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Bonk	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/17/2025 3:30:41 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Karen A Valasek	Individual	Support	Written Testimony Only

Comments:

"Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution."

HB-457-HD-1

Submitted on: 2/17/2025 4:47:21 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Kuzmier	Individual	Support	Written Testimony Only

Comments:

Aloha, I support HB457 HD1. I believe it's only logical and humane to provide due process to folks in custody, regardless of immigration status, and to have public accountability for the process as they go through the system as proscribed in this bill. Mahalo.

HB-457-HD-1

Submitted on: 2/17/2025 4:52:54 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Thaddeus Pham	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the JHA Committee,

As a concerned citizen in Hawai'i, I am writing in **support** of HB457 HD1. The purpose of this bill is to require state and local law enforcement agencies to notify an individual of their rights when in Hawai'i law enforcement agency custody before any interview with U.S. ICE on certain matters regarding civil immigration violations.

This bill would ensure that prior to any interview between ICE and an individual, the individual shall be provided a written consent form in their native language that explains the purpose of the ICE interview, that the interview is voluntary, and that they may decline to be interviewed or may choose to be interviewed only with his or her attorney present.

Additionally, upon receiving an ICE hold, notification, or transfer request, state and local law enforcement agencies shall provide a copy of the request to the individual and notify the individual as to whether state and local law enforcement intends to comply with ICE. State and local law enforcement will also notify the individual's attorney or the individuals designee within 2 business days.

While the state has very little control over what and how federal immigration agents conduct their work, it is able to set standards for how its residents' civil rights and due process are treated, while in state/local custody. This bill recognizes that each resident of our state deserves to meaningfully understand their rights and to make the best decision they are able with a full grasp of the facts at hand.

I urge you to support this bill, which is fair, just, and mandated by the Hawai'i State Constitution.

Mahalo,

Thaddeus Pham

Makiki, HI

HB-457-HD-1

Submitted on: 2/17/2025 8:26:54 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jada Rufo	Individual	Support	Written Testimony Only

Comments: Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/17/2025 8:44:34 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tasman Kekai Mattox	Individual	Support	Written Testimony Only

Comments:

Everyone deserves to know their civil rights before enaging with law enforcement.

HB-457-HD-1

Submitted on: 2/17/2025 9:30:04 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Maya Maxym	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution. Mahalo for your consideration.

HB-457-HD-1

Submitted on: 2/17/2025 11:13:44 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carmela Resuma	Individual	Support	Written Testimony Only

Comments:

I support this measure.

HB-457-HD-1

Submitted on: 2/18/2025 6:11:46 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Katharine Conway	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/18/2025 7:50:42 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
David E Shormann	Individual	Oppose	Written Testimony Only

Comments:

For the sake of all Hawaiians, especially Native Hawaiians, local authorities need to do everything possible to cooperate with federal authorities on immigration.

HB-457-HD-1

Submitted on: 2/18/2025 8:06:08 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shani Hough	Individual	Oppose	Written Testimony Only

Comments:

i oppse HB457, which imposes burdensome requirements on local law enofrment and obstructs cooperation with federal immigration authorities!

HB-457-HD-1

Submitted on: 2/18/2025 8:08:13 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Deven English	Individual	Oppose	Written Testimony Only

Comments:

I am in strong opposition of this bill, law enforcement should not be obstructed from assisting any other agency whether local or federal from enforcing laws that protect the citizens of the United States.

HB-457-HD-1

Submitted on: 2/18/2025 8:12:31 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanine Acopan	Individual	Oppose	Written Testimony Only

Comments:

Another bill used against the people of Hawai'i to protect criminals! Insanity, delusion and narcissism runs rampant through this body of government officials.

HB-457-HD-1

Submitted on: 2/18/2025 8:17:54 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Noela von Wiegandt	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I oppose HB457. Local law enforcement and Federal Immigration authorities should work together without obstruction to Enforce The United States Immigration Policies. Thank you.

Noela von Wiegandt

HB-457-HD-1

Submitted on: 2/18/2025 8:59:56 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Louella Vidinha	Individual	Oppose	Written Testimony Only

Comments:

Vehemently NO.

NO RIGHTS FOR ILLEGAL, UNDOCUMENTED IMMIGRANTS.

HB-457-HD-1

Submitted on: 2/18/2025 9:07:13 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Gouveia	Individual	Oppose	Written Testimony Only

Comments: I oppose HB457. There needs to be collaboration between local and federal law enforcement when necessary.

HB-457-HD-1

Submitted on: 2/18/2025 9:35:44 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia J. Goto	Individual	Support	Written Testimony Only

Comments:

Strong support!

HB-457-HD-1

Submitted on: 2/18/2025 9:39:19 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Oppose

HB-457-HD-1

Submitted on: 2/18/2025 9:57:14 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Corinne Solomon	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB457. Vote NO on this bill

HB-457-HD-1

Submitted on: 2/18/2025 10:00:05 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaiulani Bowers	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill

HB-457-HD-1

Submitted on: 2/18/2025 10:03:27 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mike Harrington	Individual	Oppose	Written Testimony Only

Comments:

The state in it's entirety must follow federal laws first and foremost.
I oppose this bill.

HB-457-HD-1

Submitted on: 2/18/2025 10:16:57 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kirk Powles	Individual	Oppose	Written Testimony Only

Comments:

This bill would only inhibit our local Hawai'i police force from letting ICE know our help ICE find illegal people in Hawai'i to be deported.

Hawai'i is for Hawaiians.

HB-457-HD-1

Submitted on: 2/18/2025 10:18:23 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eve Furchgott	Individual	Support	Written Testimony Only

Comments:

Requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution.

HB-457-HD-1

Submitted on: 2/18/2025 10:54:48 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lesha Mathes	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill. Another example of trying to force our law enforcement to aid and abet people who are here illegally. Unconstitutional. You were sent a message in November by the people and you apparently aren't listening. Read the room! You are supposed to be protecting the citizens not people who broke the law to get here.

HB-457-HD-1

Submitted on: 2/18/2025 10:55:09 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas and Committee Members,

I oppose HB 457 HD1.

Kind regards,

Teri Kia Savaiinaea

District 45, Wai'anae resident

HB-457-HD-1

Submitted on: 2/18/2025 11:17:33 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Penner	Individual	Oppose	Written Testimony Only

Comments:

Enforce our immigration laws. I do not consent.

HB-457-HD-1

Submitted on: 2/18/2025 11:38:44 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alika Valdez	Individual	Support	Written Testimony Only

Comments:

I support this bill.

HB-457-HD-1

Submitted on: 2/18/2025 11:40:27 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bart Burford	Individual	Oppose	Written Testimony Only

Comments:

NOT SUPPORTING ANY LIMITATIONS ON ENFORCING THE PRESIDENTS MANDATE
ON ILLEGAL IMMIGRATION! I SUPPORT PRESIDENT TRUMP!

HB-457-HD-1

Submitted on: 2/18/2025 11:59:15 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dorinda Ohelo	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill.

Testimony in SUPPORT of HB457 HD1

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Hearing Date: February 19th, 2025

Dear Chairs, Vice Chairs, and Members of the Committees,

A.L.O.H.A. Latinos strongly support **H.B. No. 457 HD1**, which seeks to ensure due process and transparency when state and local law enforcement interact with federal immigration authorities.

Hawaii has always been a place of diversity, inclusion, and respect for civil rights. However, for many in our immigrant and Latino communities, interactions with immigration enforcement create fear and uncertainty. This bill would take necessary steps to uphold due process and accountability in the following key ways:

1. **Ensuring Due Process & Accountability** – By requiring law enforcement to notify individuals of their rights before any interview with **U.S. Immigration and Customs Enforcement (ICE)**, this bill ensures that people are informed and able to make decisions in a fair and just manner. It also holds ICE accountable for properly documenting detentions and ensuring that individuals are only held with valid warrants.
2. **Preventing Racial Profiling & Targeting** – We cannot ignore the reality that many individuals are stopped, questioned, and detained based on their appearance, language, or perceived immigration status. This bill creates an essential layer of **accountability** by making ICE requests transparent, reducing the potential for racial profiling and ensuring that interactions are based on legal standards rather than bias.
3. **Providing Transparency for Families & Legal Representation** – One of the most devastating aspects of immigration enforcement is the **separation of families** and the **lack of information** available when a loved one is detained. By requiring law enforcement agencies to notify individuals of ICE requests and allowing them access to an attorney, **this bill ensures that people are not left in the dark about their own legal situation**. Families should not have to struggle to locate their detained loved ones or navigate a system that lacks transparency.
4. **Restoring Trust Between Law Enforcement & Communities** – Many immigrant communities fear interaction with law enforcement due to concerns that any encounter could lead to deportation. This bill helps **rebuild trust** by ensuring that law enforcement agencies act in a transparent and fair manner. While trust remains strained, increased **accountability** and **clear procedures** can create an environment where individuals feel safer reporting crimes and engaging with local authorities without fear of immigration consequences.

Ultimately, H.B. No. 457 HD1 is a **commonsense measure** that aligns with Hawaii's values of justice, fairness, and respect for all people. It does not prevent law enforcement from doing their

jobs—it simply ensures that their interactions with immigration enforcement are conducted **transparently and lawfully**.

We urge this committee to pass H.B. No. 457 HD1 and take a crucial step toward **protecting civil rights, ensuring fairness, and fostering trust** in our communities.

Mahalo,

A.L.O.H.A. Latinos

Victoria Magaña Ledesma

Marlen Villatoro

Graciela Del Rio

Armando Rodriguez

Karina Rodriguez

Anna Marie Smith

Maria Alejandra Cisneros Zavala

Jazmin Allison

Claudia Hartz

House Committee on Judiciary and Hawaiian Affairs
Hearing
February 19, 2025 at 2:00 pm
Via Videoconference
Conference Room 325
State Capitol
415 South Beretania Street

RE: HB457, HD1 - RELATING TO CIVIL RIGHTS PROTECTIONS.

Testimony in STRONG SUPPORT

Aloha Char Tarnas, Vice Chair Poepoe, Maui Representative Cochran, and Members of the Committee,

My name is Christine Andrews and I am a volunteer immigrant rights educator on Maui. I submit this testimony today in strong support of HB 457, HD1 - Relating to Civil Rights Protections. This bill would require that, before any interview with ICE, individuals in state or local law enforcement custody are given a written consent form in their native language. The form would explain the purpose of the ICE interview, clarify that it is voluntary, and inform the individual that they can choose not to participate or can have their attorney present during the interview. When state or local law enforcement receives an ICE hold, notification, or transfer request, they must provide a copy to the individual and inform them whether they plan to comply with ICE. They must also notify the individual's attorney or designated representative within two business days.

As an immigrants rights educator on Maui, it is clear that a lot of people are not aware of the civil rights of immigrants in our communities. Local and state law enforcement agencies can play a crucial role informing detainees of their immigration rights and the implications of any interaction with ICE in their native language as a means of upholding not only federal civil rights, but also ensuring that Hawai'i residents' civil rights are not unintentionally violated or allowed to be violated by federal agents whom, at this point, appear to be following a possibly unconstitutional extension of federal enforcement activities. If our federal agencies are not complying with and upholding the U.S. Constitution, our local and state law enforcement agencies may be best situated to help ensure that the constitutional rights of our residents are not violated.

I strongly support HB 457, HD1 and request that you pass this bill expeditiously.

Mahalo,

Christine L. Andrews, J.D.
Wailuku, Maui

HB-457-HD-1

Submitted on: 2/18/2025 12:41:32 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robin D. Ganitano	Individual	Oppose	Written Testimony Only

Comments:

I oppose HB457 which obstructs cooperation with federal immigration authorities. This is unconstitutional.

HB-457-HD-1

Submitted on: 2/18/2025 12:44:24 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Angela M Anderson	Individual	Oppose	Written Testimony Only

Comments:

This bill imposes burdensome requirements on local law enforcement and obstruct cooperation with federal immigration authorities

HB-457-HD-1

Submitted on: 2/18/2025 12:50:09 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I support this bill because requiring state and local law enforcement agencies to notify an individual of their rights is fair, just, and mandated by the Hawaii State Constitution!

HB-457-HD-1

Submitted on: 2/18/2025 12:57:21 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dawn O'Brien	Individual	Oppose	Written Testimony Only

Comments:

Aloha Committe of Hawai'i's Representative Leaders,

TYSVM for taking the time to read this, it means a lot & I sincerely appreciate it.

I am in strong opposition of HB457 using our tax payers' dollars to disavow, disobey and dis-unite with federal law enforcement. **WHAT ARE WE THINKING?** Why is this even a proposed law in our state that comes under the federal jurisprudence of the United States of America? How is this logical? **IT'S NOT!** Why is this even a consideration, much less a proposed bill of law. The irony is that you want to pass a law as lawmakers to act in a way to disobey the federal law, **MAKE THIS MAKE SENSE! IT DOES NOT.**

In summary, I fully & strongly oppose this bill and ask sincerely that you represent the majority of the tax-paying residents of Hawaii--whether they voted for you or not--and also oppose this illegal law proposition.

Mahalo & Mālama Pono,

Dawn O'Brien

Lifelong resident of Hawai'I

President, HOPE HI, Inc.

HB-457-HD-1

Submitted on: 2/18/2025 1:00:09 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bronson Teixeira	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I strongly oppose this bill, mahalo.

HB-457-HD-1

Submitted on: 2/18/2025 1:05:24 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Matt Smith	Individual	Oppose	Written Testimony Only

Comments:

local law enforcement should be cooperating with federal law enforcement to protect legal citizens, not those here illegally.

HB-457-HD-1

Submitted on: 2/18/2025 1:21:35 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Debbie Wyand	Individual	Oppose	Written Testimony Only

Comments:

I struggle oppose this bill. It imposes burdensome requirements on local law enforcement and obstructs cooperation with Federal Law Enforcement

HB-457-HD-1

Submitted on: 2/18/2025 1:33:23 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Renee Rabb	Individual	Support	Written Testimony Only

Comments:

HB457 by Rep. Iligan has my strongest support. All people, regardless of immigration status should be, advised of their rights prior to any interviews with ICE. The attacks on justice, fairness, and common sense by our current federal administration must be countered on a state and local level everywhere. Please be compassionate to these folks most in need of protection and vote for HB457..

Mahalo,

Renee Rabb

Keaau, HI 96749

Big Island

HB-457-HD-1

Submitted on: 2/18/2025 1:55:18 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joey Badua	Individual	Support	Written Testimony Only

Comments:

Aloha the Honorable David A. Tarnas, Chair; and the Honorable Mahina Poepoe, Vice Chair Members of the House Committee on Judiciary and Hawaiian Affairs:

I submit in **strong support of H.B. 457** because immigrants deserve to be protected from ICE civil immigration detainers through notification of their rights - which is already law under the well-established Miranda laws. To illustrate a situation, I will bring up the case *Miranda-Olivares v. Clackamas County* in Oregon where the U.S. District Court found that a municipality is not bound under a case (*Monell v. Dep't of Soc. Servs.*, 436 U.S. 658, 98 S.Ct. 2018, 56 L.Ed.2d 611 (1978) aka *Monell* liability) to comply with a mandatory federal law. *Miranda-Olivares v. Clackamas Cnty.*, No. 3:12-CV-02317-ST, 2014 WL 1414305, at *4 (D. Or. Apr. 11, 2014).

Clackamas County detained Miranda-Olivares who was NOT charged with a federal crime and was NOT subject to a warrant for arrest or order of removal or deportation by ICE. They detained this human being beyond the date she was eligible for release based solely on the ICE detainer.

H.B. 457 ensures that local law enforcement avoids overreach, stays mindful, and stays in their lane, instead of mistakenly adopting customs and practices like Clackamas County. Miranda-Olivares suffered as a direct result of Clackamas County's mistaken interpretation of the law. H.B. 457 gives guardrails to aid local law enforcement in navigating this process with basic things like notification of rights, including the voluntary nature of interviews with ICE and the right to have an attorney present. Notifying individuals if law enforcement shares information with ICE promotes public trust and transparency. Making public record of the interactions between law enforcement and ICE protects the individual from abuse, as well as protects the local law enforcement from making a mistake with dire consequences. Some of these individuals being detained are children, elderly, and vulnerable.

As I testified in H.B. 22, the toll on the individual and the community is great and irreversible. The constitutional protections must also be protected. As stated by the U.S. District Court of Oregon:

An even more fundamental principle of statutory interpretation favors Miranda-Olivares. “[W]here an otherwise acceptable construction of a statute would raise serious constitutional problems, the Court will construe the statute to avoid such

problems unless such construction is plainly contrary to the intent of Congress.”[Edward J. DeBartolo Corp. v. Fl. Gulf Coast Bldg. & Const. Trades Council](#), 485 U.S. 568, 575, 108 S.Ct. 1392, 99 L.Ed.2d 645 (1988) (citation omitted). As recognized by the Third Circuit, the Tenth Amendment requires that [8 CFR § 287.7](#) be deemed a request. [Galarza, 2014 WL 815127, at *7](#). **It is settled that any federal action that commandeers “the legislative processes of the States by directly compelling them to enact and enforce a federal regulatory program ‘upsets the usual constitutional balance of federal and state powers.’** “[New York v. United States](#), 505 U.S. 144, 170, 112 S.Ct. 2408, 120 L.Ed.2d 120 (1992), citing [Hodel v. Va. Surface Min. & Reclamation Ass’n, Inc.](#), 452 U.S. 264, 288, 101 S.Ct. 2352, 69 L.Ed.2d 1 (1981).

(emphasis added).

It is also well-established that Hawai‘i is a unique jurisdiction guided by the Aloha Spirit, which reflects compassion, unity, and care for all - including the immigrants. Not having the protections in H.B. 457 will uproot the deeply planted cultural values those who love and care for Hawai‘i and its people hold in their hearts. I sure do, and I think you do, too. We can do more.

Mahalo nui loa for the opportunity to testify.

I am writing in strong support of this bill.

The U.S. Constitution guarantees Miranda rights to every person on U.S. soil. It is humane and just for individuals to understand their rights in a language they comprehend. Without this, it is essentially the same as not informing them at all. This consideration is crucial in a country as diverse as ours, and especially in Hawai'i, where 1 in 8 families has an immigrant member.

In my family's case, my parents had to fly to O'ahu for my younger sister's medical appointment. They were detained at the airport for hours, unsure if they would be able to return home to my younger brother and me.

If they had known their rights, perhaps my father would be here today and would have attained residency. That was not the case, and so I write to you today so that, as a state, we can take all necessary actions to protect our residents and families.

Thank you,

Victoria Magaña Ledesma

HB-457-HD-1

Submitted on: 2/18/2025 2:42:22 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lolita Keni	Individual	Oppose	Written Testimony Only

Comments:

I oppose this bill...our law enforcement should be cooperating with federal authorities, with immigration. There shouldn't be any restrictions on how law enforcement can be used.

HB-457-HD-1

Submitted on: 2/18/2025 3:38:15 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Expedita Pasion	Individual	Oppose	Written Testimony Only

Comments:

Strongly oppose

HB-457-HD-1

Submitted on: 2/18/2025 6:54:04 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan Duffy	Individual	Oppose	Written Testimony Only

Comments:

Respectfully request you oppose this bill. This bill is a direct threat to public safety and the rule of law, as it places unnecessary restrictions on local law enforcement and obstructs cooperation with federal immigration authorities. Federal law, including Title 8, U.S. Code 1324, clearly prohibits the harboring and shielding of individuals who are in the country illegally. By limiting local law enforcement's ability to work with federal agencies, this bill creates a dangerous environment where those who violate our immigration laws can remain in the country without consequence, potentially endangering law-abiding citizens. The United States has the right and responsibility to enforce its immigration laws, and states should not be passing legislation that actively undermines these efforts. Hawaii must prioritize the safety and security of its residents, not provide legal loopholes that make it harder to remove individuals who have no legal right to be here."

HB-457-HD-1

Submitted on: 2/18/2025 8:30:57 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dayna Matsumura	Individual	Oppose	Written Testimony Only

Comments:

Oppose

HB-457-HD-1

Submitted on: 2/18/2025 8:31:47 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
james wallace	Individual	Oppose	Written Testimony Only

Comments: I oppose HB457.Anyone who obstructs the Fed. authority should go jail.

HB-457-HD-1

Submitted on: 2/18/2025 9:18:23 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
J Miles	Individual	Oppose	Written Testimony Only

Comments:

Oppose this bill.

Thank you.

HB-457-HD-1

Submitted on: 2/18/2025 10:16:12 PM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Smart	Individual	Oppose	Written Testimony Only

Comments:

. I oppose the objective of this bill, HB457. I want full cooperation of local law enforcement with federal immigration authorities regarding the enforcement of immigration laws.

We fund federal immigration authorities so they can do their duty. Obstruction of their mission is completely unacceptable.

Vote no on HB457

Testimony in SUPPORT of HB457 HD1

COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair Senator Sharon Moriwaki, Vice Chair

Hearing Date: February 19th, 2025

Dear Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

My name is Graciela Del Rio, and I am writing in strong support of HB457 HD1, which mandates that individuals in custody are informed of their rights prior to any interview with Immigration and Customs Enforcement (ICE).

As a community health worker, I have witnessed firsthand the fear and uncertainty that pervade our immigrant communities, particularly among those who are undocumented. This fear often stems from a lack of understanding of their legal rights, especially during interactions with law enforcement and immigration authorities.

The U.S. Constitution guarantees certain inalienable rights to all individuals within its jurisdiction, regardless of immigration status. The Fifth and Fourteenth Amendments explicitly protect every person from deprivation of life, liberty, or property without due process of law. This fundamental principle ensures that all individuals, including undocumented immigrants, are entitled to fair legal proceedings and protection against arbitrary actions.

Despite these protections, many undocumented individuals are unaware of their rights, making them vulnerable to coercion, abuse, and unlawful detention. By requiring law enforcement agencies to inform individuals of their rights before any ICE interview, HB457 HD1 promotes transparency, upholds human rights, and fosters trust between law enforcement and the communities they serve.

Furthermore, ensuring that individuals are aware of their rights aligns with international human rights standards, which assert that no human being should be outside the protection of the law.

Upholding these standards not only protects vulnerable groups from abuse but also provides a universal benchmark that holds governments accountable for their actions.

In conclusion, I strongly urge the committee to support HB457 HD1 to ensure that all individuals in custody are fully informed of their rights before any interaction with ICE. This measure is a critical step toward safeguarding the civil liberties of all residents of

Hawai'i and reinforcing the principles of justice and equality upon which our nation was founded.

Mahalo for your time and consideration.

Sincerely,

Graciela Del Rio

HB-457-HD-1

Submitted on: 2/19/2025 4:16:42 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary Healy	Individual	Oppose	Remotely Via Zoom

Comments:

I oppose this bill and strongly encourage you to vote no. I am concerned this will put law enforcement in danger. I will testify via zoom. Mahalo.

HB-457-HD-1

Submitted on: 2/19/2025 9:35:55 AM

Testimony for JHA on 2/19/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Paul Giles	Individual	Oppose	Written Testimony Only

Comments:

I Oppose HB457

Paul Giles