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House Committee on Judiciary and Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair

RE: Testimony with Comments on H.B. 1839 H.D.1, Relating to Immigration
Hearing: February 25, 2026 at 2:00 p.m.

Dear Chair and Members of the Committee:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency. Thank you for the opportunity to submit testimony in support of the intent of H.B. 1839 H.D. 1 and offering a **friendly amendment**.

This bill addresses, among other things, public access to records relating to a state or local law enforcement agency's provision of access to detained individuals to U.S. Immigration and Customs Enforcement (ICE).

If the Legislature intends to make information about agency communications with ICE more publicly available, *this bill will not do that*. As currently amended, H.B. 1839 merely restates existing law. In its current form, the Legislature might as well remove subsection (f) because it will not change the operation of law.

In making requests for such ICE communications, agencies often withhold everything based on "frustration" and "confidentiality law" concerns. *See* HRS § 92F-13(3), (4). If the Legislature intends to change the status quo, we recommend the following amendment at pages 7-8.

(f) All records relating to United States Immigration and Customs Enforcement access to a detained individual provided by a law enforcement agency, including all communication with United States Immigration and Customs Enforcement, shall be public records for purposes of chapter 92F, and the exemptions provided in chapter 92F shall **not** apply; provided that personal identifying information shall be redacted before public disclosure **pursuant to section 92F-13(1)**.

Thank you again for the opportunity to testify with comments on H.B. 1839 H.D. 1.

