

STAND. COM. REP. NO.

3687

Honolulu, Hawaii

APR 05 2024

RE: H.B. No. 2581  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2581, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to remove the ability of the Governor or a mayor to suspend electronic media transmission during a state of emergency.

Your Committee received testimony in support of this measure from All Hawaii News; Hawaii Chapter of the Society of Professional Journalists; Public First Law Center; Albatross News; Hawaii Association of Broadcasters, Inc.; Grassroot Institute of Hawaii; Pacific Media Group; and three individuals.

Your Committee finds that existing law allows the Governor or a mayor to suspend electronic media transmission during an emergency. Your Committee further finds that this authority is overly broad and vague, as the term electronic media could include not only radio and television broadcasts, but also text messages, emails, and posts to social media platforms, which would restrain lawful free speech and violate the First Amendment of the United States Constitution. This measure will ensure that First Amendment rights remain protected during an emergency declaration



by removing the Governor's and mayor's emergency power to suspend electronic media transmissions.

Your Committee has amended this measure by inserting an effective date of April 14, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2581, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2581, H.D. 1, S.D. 1.

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



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KARL RHOADS, Chair



