

JON N. IKENAGA  
PUBLIC DEFENDER

DEFENDER COUNCIL  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

HONOLULU OFFICE  
1130 NORTH NIMITZ HIGHWAY  
SUITE A-254  
HONOLULU, HAWAII 96817

APPELLATE DIVISION  
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION  
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION  
TEL. NO. (808) 586-2300

FELONY DIVISION  
TEL. NO. (808) 586-2200

FACSIMILE  
(808) 586-2222

LATE



HAYLEY Y. C. CHENG  
ASSISTANT PUBLIC DEFENDER

HILO OFFICE  
275 PONAHAWAI STREET  
SUITE 201  
HILO, HAWAII 96720  
TEL. NO. (808) 974-4571  
FAX NO. (808) 974-4574

KONA OFFICE  
75-1000 HENRY STREET  
SUITE #209  
KAILUA-KONA HI 96740  
TEL. NO. (808) 327-4650  
FAX NO. (808) 327-4651

KAUA'I OFFICE  
3060 EIWA STREET  
SUITE 206  
LIHUE, HAWAII 96766  
TEL. NO. (808) 241-7128  
FAX NO. (808) 274-3422

MAUI OFFICE  
81 N. MARKET STREET  
WAILUKU, HAWAII 96793  
TEL. NO. (808) 984-5018  
FAX NO. (808) 984-5022

STATE OF HAWAII  
OFFICE OF THE PUBLIC DEFENDER

January 27, 2026

**S.B. No. 2145: RELATING TO RECORDINGS OF LAW ENFORCEMENT**  
**January 28, 2026 hearing before the Committee on Public Safety and Military Affairs**

**Chair Rhoads, Vice-Chair Lee and Committee Members:**

The Office of the Public Defender **supports SB 2145**. This measure establishes the right of persons to record law enforcement activities. It also establishes a right of action for violations of said right while still protecting the ability of law enforcement officers to conduct law enforcement activity.

On November 20, 2012, a journalist, while driving along Haleakala Highway, pulled over onto the shoulder to investigate an ongoing law enforcement operation. The journalist began filming two Maui Police Department officers who were conducting a traffic stop. After the officers and the journalist engaged in a brief discussion as to where the journalist can stand, the journalist was arrested for interfering with government operations. The journalist was subsequently charged with the offense of failure to comply with a lawful order or direction of a police officer, in violation of HRS § 291C-23, and the offense of disorderly conduct, in violation of HRS § 711-1101(1)(d). Prior to trial, the journalist moved to dismiss the charges because his conduct was protected by the first amendment. After the district dismissed the charges, the prosecuting attorney appealed the dismissal order.

On appeal, the Hawai'i Supreme Court, in State v. Russo, 141 Hawai'i 181, 407 P.3d 137 (2017), held that the journalist's filming of government officials engaged in their duties in a public place is protected by the first amendment rights to free speech and press. The Court noted that numerous jurisdictions have held that the first amendment affords individuals the right to photograph and film police officers in public places. *See Glik v. Cunniffe*, 655 F.3d (1st Cir. 2011) (promotion of the free discussion of government operations is particularly desirable in the context of law

enforcement officials because it may aid in the uncovering of abuses and have a salutary effect on the functioning of government more generally); Gentile v. State Bar of Nevada, 501 U.S. 1030, 111 S.Ct 2720 (1991) (dissemination of information relating to alleged governmental misconduct” lies “at the core of the First Amendment); Turner v. Lieutenant Driver, 848 F.3d 678 (5th Cir. 2017) (“We agree with every circuit that has ruled on this question: Each has concluded that the First Amendment protects the right to record the police”); Fields v. City of Philadelphia, 862 F.3d 353 (3rd Cir. 2017) (bystanders have a right to record public police activity).

Even though the Hawai‘i and the United States Constitutions and Hawai‘i case law already establish the right of an individual to record law enforcement officers, this measure is necessary to ensure that the individual has the right to maintain custody and control of any recording and of any property or instrument used to record the law enforcement activities. And more importantly, this measure is necessary to secure the individual’s right to bring a cause of action against the offending law enforcement officer and the law enforcement agency. Otherwise, there is nothing to prevent law enforcement from infringing upon the individual’s first amendment rights. Without consequences, law enforcement will continue to unconstitutionally prevent individuals from recording their activities or possibly seize such recordings.

This measure also strikes the appropriate balance between preserving the individual’s constitutional rights without unduly interfering with law enforcement activity. The measure does not allow a person to “engage in actions that physically interfere with law enforcement activity or otherwise constitute a crime under chapter 710” and it is an affirmative defense to a civil action under this section “that the law enforcement officer had probable cause to arrest the person recording the law enforcement activity for a crime under chapter 710 at the time of the law enforcement officer’s conduct.”

Thank you for the opportunity to comment on this measure.



# POLICE DEPARTMENT

## COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 244-6400  
FAX: (808) 244-6411



**JOHN PELLETIER**  
CHIEF OF POLICE

**WADE M. MAEDA**  
DEPUTY CHIEF OF POLICE

January 26, 2026

Honorable Senator Carol Fukunaga, Chair  
Honorable Senator Chris Lee, Vice Chair  
and Members  
Committee on Public Safety and Military Affairs  
The Thirty-Third Legislature  
Hawai'i State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

**SUBJECT:** Testimony in opposition of S.B. No 2145, Recordings of Law Enforcement Activities

Dear Chair Fukunaga, Vice-Chair Lee, and Committee Members:

I am submitting written testimony as the chief law enforcement officer of our community in strong OPPOSITION to SB 2145, which expands the recording of law enforcement activities.

The Maui Police Department recognizes that citizens have the legal right to record law enforcement officers in plain and open view. SB 2145 goes beyond that established right and risks allowing the recording of investigative techniques and law enforcement operations in private or controlled settings, which would compromise not just officer safety, but public safety, and ongoing investigations.

Currently, law enforcement officers throughout the State of Hawai'i are already subject to extensive documentation and accountability through department-issued body-worn camera recordings which provide an objective record of encounters and can be lawfully obtained by members of the public through Uniform Information Practices Act (UIPA) requests or subpoenas.

In addition, recordings made by private individuals can be selectively edited, altered, or released without context, creating misleading narratives that undermine public trust in law enforcement. Such selectively edited video footage can cause irreversible harm to officers, investigations, and community relations regardless of the facts.

Finally, SB 2145 unfairly suggests law enforcement as lacking accountability or acting outside the law. This is simply not the case. Law enforcement agencies already operate under significant oversight, including but not limited to the Federal Bureau of Investigation, Police Commission, Civil Service Commission, Internal Affairs Divisions, and the courts. These oversight mechanisms remain unchanged and continue to ensure accountability when laws or policies are violated.

Committee on Public Safety and Military Affairs

January 26, 2026

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SB 2145 does not improve transparency or public safety. Instead, it places additional burdens on law enforcement, risks compromising investigations, and erodes trust through misrepresentation. For these reasons, I respectfully urge you to oppose SB 2145.

Mahalo for your consideration and for the opportunity to provide this written testimony.

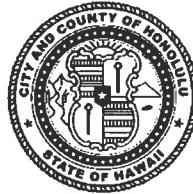
Sincerely,

  
For JOHN PELLETIER  
Chief of Police

HONOLULU POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 • WEBSITE: [www.honolulupd.org](http://www.honolulupd.org)

RICK BLANGIARDI  
MAYOR  
MEIA



RADE K. VANIC  
INTERIM CHIEF  
KAHU MĀKA'I KŪIKAWA

AARON TAKASAKI-YOUNG  
RYAN T. NISHIBUN  
INTERIM DEPUTY CHIEFS  
NA HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE AS-DNK

January 28, 2026

The Honorable Carol Fukunaga, Chair  
and Members  
Committee on Public Safety  
and Military Affairs  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

**LATE**

Dear Chair Fukunaga and Members:

**SUBJECT:** Senate Bill No. 2145, Relating to Recordings of Law Enforcement Activities

I am Arnold Sagucio, Acting Major of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes Senate Bill No. 2145, Relating to Recordings of Law Enforcement Activities.

The HPD understands that government transparency is important to building community trust. However, this bill may cause confusion as it seeks to address activity that is already allowed by existing constitutional law.

In addition, this bill does not protect private property owner's rights to privacy. If this bill is passed, people would be allowed onto private property that is not open to the public, such as someone's home, for the purpose of filming law enforcement activity.

Finally, the HPD would be strongly opposed to the recording of its tactics and law enforcement sensitive training.

The HPD has concerns with the broad and vague language of this bill, which would lead to confusion for the public and result in issues with enforcement.

The Honorable Carol Fukunaga, Chair  
and Members  
January 28, 2026  
Page 2

The HPD opposes Senate Bill No. 2145, Relating to Recordings of Law Enforcement Activities, and thanks you for the opportunity to testify.

Sincerely,



Arnold Saguio, Acting Major  
Records and Identification Division

APPROVED:



Wade K. Vanic  
Interim Chief of Police



Senate Committee on Public Safety and Military Affairs

Wednesday, January 28, 2026, 3 PM Hearing in Conference Room 016 on  
SB 2145, Relating to Recordings of Law Enforcement Activities

TESTIMONY

Douglas Meller, Legislative Committee, League of Women Voters of Hawaii

Chair Fukunaga, Vice Chair Lee, and Committee Members:

**The League of Women Voters of Hawaii supports the intent of SB 2145.** Almost no one voluntarily admits that their behavior was inappropriately abusive or violent. Video recordings can be used to prove what was actually said and done. That is why the public should have a right to record law enforcement activities and file lawsuits to protect this right. However, we lack expertise to comment on the drafting of proposed statutory provisions.

Thank you for the opportunity to submit testimony.



JANUARY 28, 2026

## SENATE BILL 2145

CURRENT REFERRAL: PSM

808-679-7454  
kris@imuaalliance.org  
www.imuaalliance.org  
@imuaalliance

Kris Coffield,  
*President*

David Negaard,  
*Director*

Mireille Ellsworth,  
*Director*

Justin Salisbury,  
*Director*

Eileen Roco,  
*Director*

Beatrice DeRego,  
*Director*

Corey Rosenlee,  
*Director*

Amy Zhao,  
*Policy and Partnerships Strategist*

### POSITION: SUPPORT

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Imua Alliance supports SB 2145, relating to recordings of law enforcement activities, which establishes the right to record law enforcement activities; and establishes a private right of action for any violation of the right to record law enforcement activities.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence, which requires the advancement of civil rights, public safety, and accountability in systems that affect marginalized communities. We strongly support SB 2145, which establishes a clear right to record law enforcement activities and a private right of action when that right is violated.

Yesterday's events in Minneapolis underscore why this bill is urgently needed. On January 24, 2026, a 37-year-old man was fatally shot by federal immigration agents in Minneapolis while bystanders filmed the incident, which has sparked national outrage and protests. Reports indicate he was recording and attempting to assist others during an enforcement operation, and video footage is now central to public understanding and ongoing investigations into the use of force.

This is not an isolated incident. Across the country, videos recorded by community members have revealed excessive force, misconduct, and civil-rights violations that would otherwise have remained hidden. The U.S. Department of Justice and courts have repeatedly recognized that the public has a First Amendment right to record law enforcement officers performing their duties in public. However, individuals who exercise this right still face harassment, intimidation, arrest, and even violence.

SB 2145 is a necessary and proactive step to codify this right in Hawai'i law and provide meaningful remedies when it is violated. Establishing a clear statutory right to record law enforcement activities affirms transparency,

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strengthens public trust, and protects bystanders, journalists, and community members who document government actions. Creating a private right of action ensures that this right is enforceable, not merely symbolic. This bill is also essential for survivors of violence and marginalized communities, for whom racialized policing is a matter of existential concern woven into the fabric of daily life. Documentation can be critical for accountability in cases involving police misconduct, immigration enforcement, gender-based violence, and protests. When people are afraid to record, abuses can go unchecked and survivors can be silenced.

Public recording is not anti-police. It is pro-democracy. We have a responsibility to protect constitutional rights, strengthen accountability, and ensure that our state remains a leader in civil liberties and democratic governance. In moments of crisis and conflict, the ability to record is often the only way truth reaches the public. Hawai'i should make it clear that documenting government action is not a crime, but an unassailable right afforded to all who call our islands home.

Mahalo for the opportunity to testify in strong support of this measure.

With aloha,

*Kris Coffield*

President, Imua Alliance



**To: Senate Committee on Public Safety and Military Affairs**  
**Hearing: Wednesday, January 28, 2026**

**TESTIMONY SUPPORTING SENATE BILL 2145 RELATING TO RECORDINGS OF  
LAW ENFORCEMENT ACTIVITIES**

Chair Fukunaga, Vice Chair Lee, and Committee Members:

Media Council Hawai‘i (MCH) supports the purpose and intent of SB2145. Recent events in Minnesota involving the killing of two citizens by ICE and Border Patrol agents serve to underscore the importance of protecting the rights of journalists and private citizens to gather and access information, which is the basis for the right to record law enforcement activities.

The First Amendment generally protects filming, audio recording, and photography of government officials such as police officers engaged in their duties in public places. This principle of law is embraced by most federal courts in the country. However, as we have seen in Minnesota and other states, law enforcement frequently ignores citizen rights or retaliate by detaining or arresting, and as we have seen, even executing those documenting activities in the street.

We should not underestimate the importance of such documentation. We have seen how federal officials have tried to create conflicting narratives about what happened in the shooting in Minnesota. Absent citizen recording of these events, we would be left with only the word of the federal officials defending their actions while disputing other accounts. Having video, film, photos, and audio provide independent and indisputable evidence of what occurred.

A recent “guest essay” published in the New York Times highlights this point perfectly. ‘Government officials have openly equated filming an agent with violence in statements and in court testimony . In July, Homeland Security Secretary Kristi Noem said that violence against agents includes “videotaping them where they are at, when they are out on operations.”<sup>1</sup>

This bill reflects Hawai‘i’s commitment to protecting these rights. The legislation not only protects the rights of our citizens to monitor law enforcement activities, but ensures that through such monitoring, law enforcement officers will perform their duties legally and professionally as they were trained to do. The added private right of action provides added protection that the rights of Hawai‘i’s citizens will not be arbitrarily abridged, and that there will be accountability if it is.

Media Council Hawai‘i supports SB2145 and urges its enactment into law.

Mahalo for your consideration,  
Media Council of Hawai‘i

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<sup>1</sup> The Best Weapon You Have in the Fight Against ICE, New York Times, January 26, 2026:  
<https://www.nytimes.com/2026/01/26/opinion/minnesota-minneapolis-phone-ice-shooting.html>

**SB-2145**

Submitted on: 1/27/2026 2:26:21 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin "Shiloh" Martin	Testifying for Libertarian Party of Hawaii	Support	Remotely Via Zoom

**Comments:**

Aloha Chair Wakai, Vice Chair Elefante, and committee members. I am Austin Martin, Chair of the Libertarian Party of Hawaii, testifying in strong support of SB 2145. Mahalo to the introducers and supporters. The Libertarian Party of Hawaii supports the right to film police interactions and the 1st amendment.

This bill explicitly establishes a statutory right for any person (including those later arrested) to record law enforcement activities in public, prohibits officers from interfering through threats, seizures, arrests, or destruction of recordings, and creates a private civil action with punitive damages, injunctive relief, and attorney fees for violations—subject only to an affirmative defense of probable cause for a separate Chapter 710 offense (e.g., physical interference). It correctly affirms that initial consent to record does not imply consent to seizure or copying without court order.

This measure directly counters documented instances of officer retaliation against citizen oversight, reinforcing First Amendment accountability without expanding state power. This is good governance. Pass SB 2145 as introduced to codify and enforce this essential check on government agents.

Mahalo for supporting this important bill.

Austin Martin

Committee: Public Safety and Military Affairs  
Hearing Date/Time: Wednesday, January 28, 2026 at 3:00 PM  
Place: Conference Room 016 & Videoconference  
Re: Testimony in **Support** of Senate Bill 2145 Relating to Recordings of Law Enforcement Activities

Dear Chair Fukunaga, Vice Chair Lee, and Committee Members:

The American Civil Liberties Union of Hawai‘i (ACLU-HI) **supports** SB2145 which establishes the right of a person to record law enforcement activities and a private right of action for any violation of the right to record law enforcement activities.

Courts have long recognized filming law enforcement activities in public as a right protected by the First Amendment. This bill reaffirms that right in the Hawai‘i Revised Statutes and also provides for a right of private action when a law enforcement officer unlawfully interferes with this right.

Taking photographs and videos of things that are plainly visible in public spaces is a constitutional right. This includes police and other government officials carrying out their duties. The right to record law enforcement is a critical First Amendment right. According to the ACLU National: “every federal circuit to consider the right to record—seven out of 13 circuits—has held that this right clearly exists, and most have specified that it applies to law enforcement.”<sup>1</sup>

Recording and livestreaming interactions is a critical tool for communities that are over-policed and disproportionately targeted by law enforcement because it often serves as the only “proof” that police misconduct has occurred.<sup>2</sup> However, we continue to see the Trump administration violate this right.

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<sup>1</sup> Tewari, Shreya. (2022, August 23). *Arizona’s New Law Banning People from Recording Police Violates our First Amendment Rights*. ACLU. <https://www.aclu.org/news/free-speech/arizonas-new-law-banning-people-from-recording-police-violates-our-first-amendment-rights>

<sup>2</sup> Tewari, Shreya. (2021, November 22). *Livestreaming Police is a Critical First Amendment Right*. ACLU. <https://www.aclu.org/news/free-speech/livestreaming-police-is-a-critical-first-amendment-right>

Perhaps more than any other time in recent memory, the public's right to record the activities of law enforcement is vitally important. While the federal administration continues to challenge the rule of law, everyone must have the right to hold law enforcement officers accountable for actions that may be unlawful.

This bill not only reaffirms the necessity of this free speech protection but also reaffirms the legal protection and the right to bring an action against any law enforcement officer for violating this right.

Mahalo for the opportunity to testify.

Sincerely,  
**Josh Frost**

Josh Frost  
Policy Assistant  
ACLU of Hawai'i  
[jfrost@acluhawaii.org](mailto:jfrost@acluhawaii.org)

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

LATE

Committee on Public Safety and Military Affairs  
Chair Carol Fukunaga, Vice Chair Chris Lee

January 28, 2026, 3:00 pm CR 016 & Videoconference  
SB2145 Recordings of Law Enforcement

TESTIMONY

Judith Wong, Legislative Committee, League of Women Voters of Hawaii  
Chair Fukunaga, Vice Chair Lee, and Committee Members:

**The League of Women Voters of Hawaii supports BILL NUMBER SB2145**

I am writing in strong support of SB2145 on behalf of the League of Women Voters. Senate Bill 2145 would add a new Chapter to the Hawaii Revised Statutes clearly stating the right to record law enforcement in public spaces and establishing a civil right to sue if law enforcement interferes or attempts to interfere with exercise of the right.

The League believes in the individual rights guaranteed by the constitution, and that democratic government depends upon the informed and active participation. The League also believes government must protect those rights, and citizen's right to know.

For weeks now the public has received accurate information about the conduct of ICE and CBP primarily through cell phone videos taken by civilians present at the scene of events. Federal officials have repeatedly lied about what is happening on the ground, and immigration agents are using excessive force, violating the Fourth and First Amendments and even killing citizens. The violations by federal agents have included threats against people filming them, confiscation of phones and cameras and, shockingly, assaults on those recording the violations. SB2145 will provide as much protection of the public's right to know and the physical safety of persons as the State can provide against lawless conduct by federal officers.

Thank you for the opportunity to submit testimony on this important issue.



*Fujiwara & Rosenbaum, LLLC*  
*Alakea Corporate Tower*  
*1100 Alakea St., Fl. 20, Suite B*  
*Honolulu, Hawaii 96813*

**LATE**

January 27, 2026

**Chair Carol Fukunaga**  
**Vice Chair Chris Lee**  
**Senate Public Safety and Military Affairs Committee**

**Re: RELATING TO RECORDINGS OF LAW ENFORCEMENT ACTIVITIES; Strong Support**  
**Hearing: Wednesday, January 28, 2026, 3:00 PM, Conference Room 016**

Dear Chair Fukunaga, Vice-Chair Lee, and Committee Members:

I am testifying in **strong support** of SB 2145.

In nearly four decades of civil rights practice, I have witnessed the arc of constitutional law bend toward transparency and accountability—but only when citizens possess the tools to demand it. Today, we stand at a crossroads. The question before this Committee is not whether people have the right to record law enforcement. That question has been answered definitively by seven federal circuit courts. The question is whether Hawai'i will provide its citizens with the means to enforce that right.

People have a clear First Amendment constitutional right to record law enforcement in the performance of their official duties. *Irizarry v. Yehia*, 38 F.4th 1282 (10th Cir. 2022). As the Tenth Circuit held: "Irizarry's right to film the police falls squarely within the First Amendment's core purposes to protect free and robust discussion of public affairs, hold government officials accountable, and check abuse of power."

I also support providing people with a private right of action if their right to record is unjustly infringed. A constitutional right without a remedy is no right at all.

## **I. THE URGENCY OF THIS MOMENT**

We are witnessing an alarming embrace of authoritarian practices by the current federal administration, including attempts to silence those who seek transparency. The Trump administration is carrying out a full-on assault on a broad range of human rights, including efforts to intimidate, silence, and punish any opposition to abuses—like a kindhearted man trying to protect a woman who is being sprayed with tear gas.

As of November 2025, the Trump administration is detaining 65,735 of our immigrant friends and neighbors—the highest number of people detained by ICE ever. Of these detainees, **73.6% have no criminal convictions whatsoever**. Many of those with convictions committed only minor offenses, including traffic violations.

Migration is not a crime. Under U.S. law, being undocumented is a civil issue, not a criminal act. Every day, people are being torn from their families and communities, arrested, locked behind bars, and denied their rights.

One way of demanding accountability from our own federal government is to call out these injustices by recording them. This type of evidence will help to protect human rights and protest movements as they face repression and backlash from the now repressive, authoritarian federal government.

## **II. RECENT EVENTS DEMONSTRATE THE URGENT NEED FOR THIS BILL**

Just four days ago—on January 24, 2026—a 37-year-old man was fatally shot by federal immigration agents in Minneapolis while bystanders filmed the incident. Reports indicate he was recording and attempting to assist others during an enforcement operation. This tragedy has sparked national outrage and protests.

We should not underestimate the importance of such documentation. We have seen how federal officials have tried to create conflicting narratives about what happened in the shooting in Minnesota. Absent citizen recording of these events, we would be left with only the word of the federal officials defending their actions while disputing other accounts. Having video, film, photos, and audio provide independent and indisputable evidence of what occurred.

Video footage is now central to public understanding and ongoing investigations into the use of force.

## **III. THE CONSTITUTIONAL FOUNDATION**

### **A. Federal Circuit Court Consensus**

Seven federal circuit courts have held that the First Amendment protects the right to record police officers performing their duties in public:

1. **First Circuit** — *Glik v. Cunniffe*, 655 F.3d 78 (1st Cir. 2011)
2. **Third Circuit** — *Fields v. City of Philadelphia*, 862 F.3d 353 (3d Cir. 2017)
3. **Fifth Circuit** — *Turner v. Lieutenant Driver*, 848 F.3d 678 (5th Cir. 2017)
4. **Seventh Circuit** — *ACLU of Ill. v. Alvarez*, 679 F.3d 583 (7th Cir. 2012)
5. **Ninth Circuit** — *Askins v. U.S. Dep't of Homeland Sec.*, 899 F.3d 1035 (9th Cir. 2018)
6. **Tenth Circuit** — *Irizarry v. Yehia*, 38 F.4th 1282 (10th Cir. 2022)
7. **Eleventh Circuit** — *Smith v. City of Cumming*, 212 F.3d 1332 (11th Cir. 2000)

This is not a contested legal question. It is settled constitutional law.

### **B. The U.S. Department of Justice Position--BT**

**Before the current Trump administration (“BT”), the U.S. Department of Justice filed an amicus brief in *Irizarry v. Yehia* stating:**

"The United States has a significant interest in this case, which involves the public's right to record law-enforcement officers performing their duties in public. The U.S. Department of Justice frequently relies on photos and videos of police misconduct—including photos and videos taken by members of the public—when investigating and prosecuting police officers under 18 U.S.C. 241 and 242 for violating individuals' constitutional rights."

**Bystander recordings were central to federal prosecutions of officers in the George Floyd, Walter Scott, and Rodney King cases. Without those recordings, justice would not have been served.**

#### **IV. RESPONSE TO OPPOSITION TESTIMONY**

The Maui Police Department's testimony in opposition to SB 2145 contains several claims that warrant direct rebuttal.

MPD Claims	Counter-Argument	Supporting Evidence
1. "Citizens have the legal right to record law enforcement officers in plain and open view. SB 2145 goes beyond that established right."	The bill does not expand the substantive right—it codifies existing First Amendment protections and provides an enforcement mechanism. Without a private right of action, constitutional rights are merely theoretical.	Seven federal circuits have recognized this right. The U.S. Department of Justice filed an amicus brief in <i>Irizarry v. Yehia</i> confirming the right exists.
2. "SB 2145...risks allowing the recording of investigative techniques and law enforcement operations in private or controlled settings, which would compromise not just officer safety, but public safety, and ongoing investigations."	This is a mischaracterization. SB 2145 explicitly states: "Nothing in this chapter shall be construed to permit a person to engage in actions that physically interfere with law enforcement activity or otherwise constitute a crime under chapter 710."	The bill preserves all existing limitations on interference. The affirmative defense provision (§-3(b)) protects officers who have probable cause for Chapter 710 offenses.

<b>MPD Claims</b>	<b>Counter-Argument</b>	<b>Supporting Evidence</b>
<p><b>3.</b> "Law enforcement officers throughout the State of Hawai'i are already subject to extensive documentation and accountability through department-issued body-worn camera recordings which provide an objective record of encounters and can be lawfully obtained by members of the public through UIPA requests or subpoenas."</p>	<p>Body camera footage is routinely withheld, delayed, or denied. Police departments retain sole discretion over release, creating a propaganda tool rather than an accountability mechanism.</p>	<p>In the Ronald Greene case, Louisiana State Police denied body camera footage existed for two years until the Associated Press obtained it. Civil rights attorney Benjamin Crump describes obtaining footage as "daunting"—departments "hide behind oppressive laws" and "string along investigations for months, sometimes years." The ACLU notes that blanket exemptions turn body cameras into "police propaganda tools" where "footage of heroic officers saving babies will be released...but videos showing officers engaging in inappropriate and/or unlawful conduct will not."</p>
<p><b>4.</b> "Recordings made by private individuals can be selectively edited, altered, or released without context, creating misleading narratives that undermine public trust in law enforcement."</p>	<p>This argument applies equally to any form of evidence and is not a basis for suppressing constitutional rights. The solution to potential misuse is more transparency, not less. Police-controlled footage is equally susceptible to selective release.</p>	<p>The DOJ has stated that "recordings can provide transparency that helps foster community trust in law enforcement more generally."</p>
<p><b>5.</b> "SB 2145 unfairly suggests law enforcement as lacking accountability or acting outside the law...Law</p>	<p>Existing oversight mechanisms have proven insufficient. Recent events demonstrate federal agents</p>	<p>The DOJ's investigation of Baltimore City Police found that officers "seize, view, and destroy video and audio recordings" and</p>

MPD Claims	Counter-Argument	Supporting Evidence
enforcement agencies already operate under significant oversight, including but not limited to the Federal Bureau of Investigation, Police Commission, Civil Service Commission, Internal Affairs Divisions, and the courts."	acting with impunity, and internal accountability structures frequently fail to produce consequences.	that "First Amendment violations acutely affect a community's trust in the legitimacy of law enforcement operations." In the Ronald Greene case, despite body camera evidence of officers beating, tasing, and pepper-spraying a man to death, most charges were dismissed.
<b>6.</b> "SB 2145 does not improve transparency or public safety. Instead, it places additional burdens on law enforcement, risks compromising investigations, and erodes trust through misrepresentation."	The opposite is true. Suppressing recordings erodes trust. The "burden" on law enforcement is simply to not interfere with lawful recording—a minimal requirement given officers already wear body cameras.	The DOJ stated that "bystander and journalist recordings of police misconduct have helped to shape national debates over law-enforcement policy." Studies show that communities with welcoming policies and trust-building measures have lower crime rates and better public safety outcomes.

## V. CONCLUSION

SB 2145 does not create new rights—it codifies existing constitutional protections and provides meaningful enforcement mechanisms. The Maui Police Department's concerns are addressed by the bill's explicit limitations on physical interference and its affirmative defense provisions.

**We have seen that it is only the public's ability to document governmental overreach and misconduct that brings any measure of transparency and accountability. Such ability must be preserved to preserve our republic.**

Thank you for hearing SB 2145. I urge you to pass SB 2145 out of your Committee.

**Respectfully submitted,**  
*/s/Elizabeth Jubin Fujiwara*  
**Fujiwara & Rosenbaum, LLLC**

January 28, 2026  
Strong Support of SB 2145  
Page 6

**SB-2145**

Submitted on: 1/28/2026 10:53:14 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Mo'i Kawaakoa	Testifying for Holomua Outreach	Support	Written Testimony Only

Comments:

**TESTIMONY IN SUPPORT  
RELATING TO RECORDINGS OF LAW ENFORCEMENT ACTIVITIES**

**Aloha Chair, Vice Chair, and Members of the Committee,**

I strongly support this measure establishing the explicit right of a person to record law enforcement activities and creating a private right of action when that right is violated.

The ability for community members to record law enforcement interactions is a cornerstone of transparency, accountability, and public trust. Recordings protect **both the public and law enforcement officers** by providing an objective record of events, reducing misinformation, and discouraging misconduct or escalation.

Across Hawai'i and the nation, community-recorded footage has played a critical role in:

- Revealing misconduct that would otherwise go unaddressed
- Exonerating officers when false accusations are made
- Improving training, policy reform, and public confidence
- Protecting the constitutional rights of residents, visitors, journalists, and legal observers

This bill is especially important for **vulnerable communities**, including Native Hawaiian families, houseless individuals, people with disabilities, and communities of color, who disproportionately experience enforcement actions and often lack institutional power. Recording interactions is one of the few accessible tools available to ensure safety, dignity, and lawful conduct during encounters with authority.

Importantly, this measure does **not interfere with legitimate law enforcement duties**. Courts have repeatedly affirmed that recording public officials performing their duties in public spaces is protected activity, so long as it does not physically obstruct officers. Codifying this right provides clarity for officers and the public alike, reducing conflict and confusion in the field.

Establishing a **private right of action** is essential. Without a meaningful enforcement mechanism, rights exist only on paper. This provision ensures accountability when violations occur and provides a lawful avenue for redress, rather than forcing communities to rely on informal complaints that often go unanswered.

At a time when trust between communities and law enforcement is fragile, this bill affirms Hawai‘i’s commitment to **constitutional freedoms, transparency, and kuleana to one another**. It strengthens democracy, protects civil liberties, and promotes safer interactions for everyone involved.

For these reasons, I urge the Committee to **pass this measure**.

**Mahalo nui for the opportunity to testify.**

**SB-2145**

Submitted on: 1/24/2026 12:18:00 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Oppose	Written Testimony Only

**Comments:**

I raise in opposition of SB2145. To date, it is NOT illegal to video or capture still pictures of law enforcement action UNLESS it obstructs with the performance of their duties. I view this as a far left liberal bill that will do just that. Why? The definition of "Record" proposes the use of "any recording device." This will open the door to the irresponsible use of drones. Drones can be easily used to interfere with said operation and make it impossible to identify the culprit. I recommend to the liberal minded Senators who proposed this bill, if they are serious about this "bill" to explicitly define "any devices" and include a reasonable "no go zone" to capture said video or still photos that will protect the filming public, aka Activists, and the law enforcement officers.

**SB-2145**

Submitted on: 1/24/2026 2:47:21 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Spencer Pote	Individual	Support	Written Testimony Only

**Comments:**

It is absolutely imperative that Hawai‘i residents have the ability to hold any law enforcement accountable. We see ICE trying to erase their crimes (e.g. Arnoldo Bazan), and the 1st amendment must be protected by the state if the federal government refuses to. There is absolutely no evidence of increased danger to ICE or law enforcement due to the recording of their actions; if they tell us, the people, that we have should have no fear if we have nothing to hide, why is it that they reject the application of this principle to themselves?

TESTIMONY FOR SENATOR CAROL FUKUNAGA  
CHAIR SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS  
HEARING SCHEDULED FOR 1/28/2026 AT 3:00 P.M. RM 016

TESTIMONY TO THE SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY  
AFFAIRS  
ON

S.B. 2145 RELATING TO RECORDINGS OF LAW ENFORCEMENT  
ACTIVITIES.

28 January 2026

3:00 P.M.

Conference Room 016

by

Scott W. Smart

Chairman Fukunaga and members of the Senate Committee on Public Safety and Military Affairs:

I am testifying AGAINST proposed SB 2145.

Current Hawaii law at HRS §710-1010 and §711-1111 as amended by Act 164, Session Laws of 2016, provide a reasonable balance between the needs of law enforcement and the desire of citizens to monitor the actions of law enforcement. There is no demonstrated need for this change.

This proposed Chapter, if enacted, will have the foreseeable effect of encouraging unfavorable and dangerous interactions between the public and law enforcement. This is how people get shot. We don't need this in Hawaii.

Scott W. Smart  
94-210 Kakaili Pl  
Mililani, HI 96789  
(808) 627-1220

**SB-2145**

Submitted on: 1/26/2026 5:24:15 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

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

**Comments:**

Dear Chair Fukunaga, Vice Chair Lee, and members of the Senate Public Safety and Military Affairs Committee,

I am testifying in support of SB2145. People have a clear First Amendment constitutional right to record law enforcement in the performance of their official duties. *Irizarry v. Yehia*, \_\_ F.4th \_\_, 2022 U.S. App. LEXIS 18960, at \*11-16 (10th Cir. July 11, 2022). “Irizarry’s right to film the police falls squarely within the First Amendment’s core purposes to protect free and robust discussion of public affairs, hold government officials accountable, and check abuse of power.” *Id.* at \*23.

I also support providing people with a private right of action if their right to record is unjustly infringed.

We have seen that it is only the public's ability to document governmental overreach and misconduct that brings any measure of transparency and accountability. Such ability must be preserved to preserve our republic.

Thank you for hearing SB2145 and please pass SB2145 out of your Committee.

Sandy Ma

**SB-2145**

Submitted on: 1/26/2026 8:58:28 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Support	Written Testimony Only

**Comments:**

To: Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Committee on Public Safety and Military Affairs

From: Veronica Moore, Individual Citizen

Date: January 26, 2026

RE: Senate Bill 2145

Measure Title: RELATING TO RECORDINGS OF LAW ENFORCEMENT ACTIVITIES.

Report Title: Law Enforcement; Recording; Private Right of Action

To All Concerned,

My name is Veronica Moore and I support Senate Bill 2145. Thank you for introducing this bill.

Sincerely,

Veronica M. Moore

**SB-2145**

Submitted on: 1/27/2026 10:44:01 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sam Guckenheimer	Individual	Support	Written Testimony Only

**Comments:**

Observing and recording law enforcement activity is a well established 1st amendment right, yet this month we have witness two murders in Minneapolis BY FEDERAL DHS AGENTS trying to suppress the rights. We need state protection to hold these agents to account.

**SB-2145**

Submitted on: 1/27/2026 11:52:33 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Allison B.	Individual	Support	Written Testimony Only

**Comments:**

I am in support of SB 2145 and its focus on the right for individuals to record law enforcement officers and their actions. With growing national tensions observed during the Black Lives Matter movement in 2020, as well as current tensions across the United States related to immigration and police brutality, it is incredibly important to protect the legal right to record law enforcement.

The Law Enforcement Epidemiology Project found that around 250,000 individuals are injured as a result of law enforcement officers in the United States each year. Additionally, the Project provides data that shows an increase in the number of deaths by law enforcement in the United States since 1999. Allowing individuals to record law enforcement holds the individuals and agencies accountable if and when professional boundaries are crossed and violence is unjustifiably used.

Mullen's (2020) Information Gathering or Speech Creation: How To Think About A First Amendment Right To Record examines the connection between the legal right to record law enforcement and an individual's ability to engage in community politics and affairs. Constituents deserve to take part in State issues and advocate for law enforcement agencies to be held accountable for unjust actions, which is enhanced should SB 2145 be passed into law. Not only does the legal protection of recording have the ability to address concerns, it also allows positive interactions with law enforcement to be documented and potentially distributed for public view (Mullen 2020).

Having worked in the social work field here in Hawai'i and hearing lived experiences directly from clients, social justice issues are of great concern to me. I have experience working with clients impacted by police brutality and believe SB 2145 has the opportunity to provide protections to constituents and ease tensions with and increase trust in law enforcement officers. SB 2145 also increases the public's ability to engage in political matters and advocate for equitable and just treatment of individuals by law enforcement, which is why I propose voting in favor of SB 2145.

Thank you for your time and consideration of this written testimony.

**SB-2145**

Submitted on: 1/27/2026 12:23:27 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Doris Segal Matsunaga	Individual	Support	Written Testimony Only

**Comments:**

As a Hawaii resident and an American citizen, I support this bill

**Committee on Public Safety and Military Affairs**  
Chair Carol Fukunaga, Vice Chair Chris Lee

January 28, 2026, 3:00 p.m. CR 016 & Videoconference  
SB2145 Relating to Recording of Law Enforcement

Chair Fukunaga, Vice Chair Lee and Committee Members,

**SUPPORT FOR SB2145**

I am writing in strong support of SB2145 both personally and as a member of the Indivisible Hawaii State Network (IHSN). Senate Bill 2145 would add a new Chapter to the Hawaii Revised Statutes clearly stating the right to record law enforcement in public spaces and establishing a civil right to sue if law enforcement interferes or attempts to interfere with exercise of the right.

For weeks now the public has received accurate information about the conduct of ICE and CBP primarily through cell phone videos taken by civilians present at the scene of events. Federal officials have repeatedly lied about what is happening on the ground, and immigration agents are using excessive force, violating the Fourth and First Amendments and even killing citizens. The violations by federal agents have included threats against people filming them, confiscation of phones and cameras and, shockingly, assaults on those recording the violations. SB2145 will provide as much protection of the public's right to know and the physical safety of persons as the State can provide against lawless conduct by federal officers.

Thank you for the opportunity to testify on this important matter.

Stephen Munkelt  
[gvSteve2@gmail.com](mailto:gvSteve2@gmail.com)

Law Office of Georgette A. Yaindl, LLLC  
Georgette Anne Yaindl 8940  
P.O. Box 307  
Kailua-Kona Hawai'i 96745-0307  
(808) 224-0219 v/txt (877) 300-8869 fax  
gyaindl@gyattorney.com

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January 27, 2026

Senator Carol Fukunaga, Chair  
Senator Chris Lee, Vice Chair  
Committee on Public Safety And Military Affairs  
The Senate  
33<sup>rd</sup> Legislature, State of Hawai'i

via: <http://www.capitol.hawaii.gov>

Dear Committee leadership and members,

Re: **SUPPORT FOR SB2145 RELATING TO RECORDINGS OF LAW ENFORCEMENT ACTIVITIES BUT HRS 710-1010(2)(c) MAY BE SUFFICIENT**

DATE: Wednesday, January 28, 2026  
TIME: 3:00 PM  
PLACE: Conference Room 016 & Videoconference  
State Capitol  
415 South Beretania Street

HRS § 710-1010 is the penal statute entitled “obstructing government operations.” HRS § 710-1010 (2)(c) provides:

This section does not apply to: A person who is making a video or audio recording or taking a photograph of a law enforcement officer while the officer is in the performance of the officer's duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order.

Statutory commentary includes:

Act 164, Session Laws 2016, amended this section to establish an exception to the offense of obstructing government operations for a person making a video or audio recording or photograph of a law enforcement officer while the officer is in the performance of duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect the public safety and order. The legislature found that with the popularity and widespread use of smart phones with video or audio recording and photographing capabilities, recordings and photos of law enforcement officers who are exercising their duties have been used as evidence in police conduct matters or widely disseminated via social media. However, such recordings and photographs may be seen as obstructing government operations. Act 164 established an exception under certain circumstances to enable a person to record or photograph a law enforcement officer exercising the officer's duties without violating the law. Senate Standing Committee Report No. 2525, Conference Committee Report No. 129-16.

available at: [https://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0710/HRS\\_0710-1010.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0710/HRS_0710-1010.htm).

Finally, HRS § 710-100 provides, “Law enforcement officer’ means any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses”

Thank you for your consideration of my testimony. Aloha.

/s/ Georgette A. Yaindl  
GEORGETTE ANNE YAINDL

**SB-2145**

Submitted on: 1/27/2026 2:34:05 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

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

**Comments:**

I support SB2145.

**SB-2145**

Submitted on: 1/27/2026 3:14:55 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Judith White	Individual	Support	Written Testimony Only

Comments:

So important to protect this right!

**SB-2145**

Submitted on: 1/27/2026 4:30:57 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

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

Comments:

I support SB2145.

**SB-2145**

Submitted on: 1/27/2026 4:31:15 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

Please pass this legislation quickly; events in Minnesota have shown how very vital maintaining the right to record is in holding onto our civil rights, in particular the right not to be summarily executed by federal enforcement agents.

Mahalo for your consideration.

Dr. Lorna Holmes, Honolulu 96826

**SB-2145**

Submitted on: 1/27/2026 5:29:38 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Mona Eisa	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and members of the committee,

Thank you for the opportunity to testify in strong support of SB2145, legislation that would protect our constitutional right to record law enforcement. It is of the utmost importance that we are able to do our due diligence as citizens in holding all law enforcement and authorities accountable. Given the current political climate in our country, people are rightfully afraid and we must be able to document the activities of all local and federal agencies for our own protection and the protection of our neighbors.

For these reasons, I respectfully urge you to strongly support SB2145. Mahalo for your time,

Mona Eisa

**SB-2145**

Submitted on: 1/27/2026 6:10:04 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Susan Pcola_Davis	Individual	Support	Written Testimony Only

Comments:

Support

We have some bad actors. This is reasonable.

Establishes the right of a person to record law enforcement activities. Establishes a private right of action for any violation of the right to record law enforcement activities.

**SB-2145**

Submitted on: 1/27/2026 6:19:46 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Margaret N Sipple	Individual	Support	Written Testimony Only

Comments:

This bill is common sense to keep law enforcement honest. We have seen what has happened under the Trump administration's ICE force which has trampled on constitutional rights with agents covering their face, no identification tags, no cameras required and recently the refusal of federal agents allowing the local and state agencies to perform the normal investigations following murders. Hawaii must make a stand to protect freedom of speech which these days includes recording in public arenas.

**SB-2145**

Submitted on: 1/27/2026 10:13:39 PM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Kevin Hughes	Individual	Support	Written Testimony Only

Comments:

Had it not been for a private citizen's video back In 1992, the brutal beating of Rodney King would have been covered up by our government. Since then the video of private citizens have helped to expose wrong doing. Please support this measure to help strengthen the people's right to record law enforcement activity to maintain fairness and transparency in our government.

**SB-2145**

Submitted on: 1/28/2026 12:22:23 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Tammy M DeBernardi	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB2145 both personally and as a member of the Indivisible Hawaii State Network (IHSN). Senate Bill 2145 would add a new Chapter to the Hawaii Revised Statutes clearly stating the right to record law enforcement in public spaces and establishing a civil right to sue if law enforcement interferes or attempts to interfere with exercise of the right.

For weeks now the public has received accurate information about the conduct of ICE and CBP primarily through cell phone videos taken by civilians present at the scene of events. Federal officials have repeatedly lied about what is happening on the ground, and immigration agents are using excessive force, violating the Fourth and First Amendments and even killing citizens. The violations by federal agents have included threats against people filming them, confiscation of phones and cameras and, shockingly, assaults on those recording the violations. SB2145 will provide as much protection of the public's right to know and the physical safety of persons as the State can provide against lawless conduct by federal officers.

Thank you for the opportunity to testify on this important matter.

Tammy DeBernardi, Ka'u

**LATE**

**SB-2145**

Submitted on: 1/28/2026 12:27:33 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marcella Alohalani Boido	Individual	Support	Written Testimony Only

Comments:

To All:

I write in strong support of this bill. I have read both the bill and the testimony which is currently available on-line. I hereby incorporate the testimony in support into my own testimony.

Bystander recordings are proving crucial to preserve the truth of encounters between law enforcement and members of the public. The historically important recent killings in Minneapolis of Renee Nicole Good and Alex Petti demonstrate this. Lies cannot withstand the recorded truth.

Truth is what this country needs, now and into the future.

For the sake of the peace and safety of our community, and the preservation of evidence and in the interests of justice, please pass this bill.

Thank you.

Marcella Alohalani Boido, M.A.

Moili'ili, Honolulu, Hawaii 96826

**LATE**

**SB-2145**

Submitted on: 1/28/2026 4:00:14 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

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

Comments:

Thank you.

**LATE**

**SB-2145**

Submitted on: 1/28/2026 5:45:37 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

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

Comments:

I support SB 2145 as an assurance of maintaining our first amendment rights.

Just as public political offices are supposed to work for the people, so should law enforcement, we pay their bills. Therefore, the public body should be able to record police doing and/or abusing their duties as public servants.

As we have sadly seen in other states, sometimes the only way of ensuring justice and holding those who may abuse their power to account is to have it on video record from multiple citizen witnesses.

Please pass this bill!

**LATE**

**SB-2145**

Submitted on: 1/28/2026 9:08:27 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martina Wing	Individual	Support	Written Testimony Only

Comments:

Dear Committee on Public Safety and Military Affairs,

I am writing in strong support of SB2145. It would add a new Chapter to the Hawaii Revised Statutes clearly stating the right to record law enforcement in public spaces and establishing a civil right to sue if law enforcement interferes or attempts to interfere with exercise of the right.

For weeks now the public has received accurate information about the conduct of ICE and CBP primarily through cell phone videos taken by civilians present at the scene of events. Federal officials have repeatedly lied about what is happening on the ground, and immigration agents are using excessive force, violating the First and Fourth Amendments and even killing citizens. The violations by federal agents have included threats against people filming them, confiscation of phones and cameras and, shockingly, assaults on those recording the violations. SB2145 will provide as much protection of the public's right to know and the physical safety of persons as the State can provide against lawless conduct by federal officers.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Martina Wing  
Resident of Kailua-Kona  
Big Island

**LATE**

**SB-2145**

Submitted on: 1/28/2026 9:11:11 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julie Rivers	Individual	Support	Written Testimony Only

Comments:

This is a fundamental constitutional right that is being circumvented by DHS. This bill is needed to reiterate this cornerstone of our democracy. Mahalo!

**SB-2145**

Submitted on: 1/28/2026 9:41:22 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Kahala	Individual	Support	Written Testimony Only

Comments:

Aloha,

I testify in support of SB2145 which is a measure that can aid in community defense against law enforcement brutality

**SB-2145**

Submitted on: 1/28/2026 9:56:19 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Matt Brown	Individual	Support	Written Testimony Only

Comments:

Recording law enforcement increases the likelihood that due process will be followed. This is vital for a civil society!

**SB-2145**

Submitted on: 1/28/2026 10:16:38 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Gizelle	Individual	Support	Written Testimony Only

Comments:

I support the right to record law enforcement activities, especially in a time when people live in constant fear that those who have sworn to protect and serve may break that oath and commit unlawful, unjustified acts of violence without accountability.

**SB-2145**

Submitted on: 1/28/2026 10:22:48 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

Submitted By	Organization	Testifier Position	Testify
Dwight T. Martin	Individual	Support	Written Testimony Only

Comments:

I am a registered voter residing in Honolulu. I favor the right to record actions of law enforcement as evidence to protect both law enforcement and the individual(s) with whom they are interacting. I view this as an extension of rights, not a diminishing of rights. Please support passage of this important bill.

**SB-2145**

Submitted on: 1/28/2026 10:51:39 AM  
Testimony for PSM on 1/28/2026 3:00:00 PM

**LATE**

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

Comments:

I support this bill. In this day and age, we need guarantees like these. Please pass this bill.

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

HEARING

Wednesday, January 28, 2026

3:00 PM

Conference Room 016 & Videoconference

State Capitol

415 South Beretania Street

RE: SB 2145 RELATING TO RECORDINGS OF LAW ENFORCEMENT ACTIVITIES.

TESTIMONY IN SUPPORT

Aloha Chair Fukunaga, Vice Chair Lee, my elected Senator Hashimoto, and Members of the Committee,

My name is Christine Andrews, and I live in Wailuku, Maui. I write to you today in support of SB 2145, which codifies at the state level the right of a person under the First Amendment of the U.S. Constitution to record law enforcement activities. The bill also establishes a private right of action for any violation of the right to record law enforcement activities.

As an attorney licensed for over 25 years, it is difficult for me to express to you my feelings witnessing the violations of the Constitution and rule of law that federal agents and agencies are engaged in nationwide. The violations of the First Amendment, which began in early 2025 with federal agents detaining and attempting to deport students for their protected speech, have escalated recently to the murder by federal agents of two citizens engaged in protected and lawful constitutional observation activity, including recording law enforcement activities. That it is necessary for us to codify at the state level such fundamental rights as the right to record law enforcement activities is a glaring indication of how far the federal government has gone to erode them. How far has American democracy fallen that ensuring a state-level civil right of action for any violation of the right to record law enforcement activities feels like the last recourse we have to protect ourselves from violent federal agents willing to subject peaceable observers to chemical, non-lethal, and now lethal, deterrents?

On a personal note, I engage in constitutional education and observer activity here on Maui as part of a coalition of protectors. I am a volunteer Know Your Rights educator, and have trained social services and health care professionals, business owners and faith leadership, teachers and union leaders on what their constitutional rights are, and how to protect them from being violated by federal agents. I am a volunteer observer, trained to verify and document activity by federal agents, including recording them. The murders of Renee Good and Alex Pretti in Minneapolis hit me very hard. To watch the video of someone being murdered doing the kind of constitutionally-protected education and documenting work I do was terrifying. I think it is safe to say that it impacted everyone within our volunteer network. It did not, however, have the intended effect. While it was a shock to our mental health and overall

wellbeing, all of the volunteers I know reconfirmed their commitment to the work that we do to serve and protect our community, even at the risk of my own life if that is what protecting democracy requires.

On behalf of myself, and of other volunteers I know, I request that you support SB 2145 to protect rule of law, defend the constitution, and stand up with people like me fighting to ensure the rights of all people are not violated.

In honor of Renee Good and Alex Pretti,

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

Clayton A. Kamida  
959 Kailiu Pl.  
Honolulu, HI 96825

**LATE**

Dear Chair Fukunaga and Committee Members:

I am writing as a concerned citizen to strongly support SB2145, creating a private right of action protecting the public's right to record law enforcement activities.

I believe the whole nation, with the exception of an ignorant few, has been stunned and horrified to watch the daily news reports of ICE threatening, pepper spraying, and violently attacking concerned citizens who are merely attempting to record ICE's unlawful and unconstitutional activities in detaining immigrants, harassing protestors, and using Gestapo tactics to question people of color.

ICE has been documented to have told observers it was "illegal" to film their activities. Even pro-Trump news outlets have reported on ICE's illegal threats. <https://www.fox9.com/news/ice-says-recording-agents-illegal-federal-judge-says-dhs-policy-unlawful-jan-2026> The referenced article from the Fox station in Minneapolis noted that a Dept. of Homeland Security bulletin issued in June of 2025 claimed the use of cameras by citizens at anti-ICE protests constituted "unlawful civil unrest."

On September 10, 2025, federal district court judge Hernan D. Vera in Los Angeles Press Club v. Noem, Case No. 2:25-cv-05563 (C.D. Cal. 2025) issued a preliminary injunction prohibiting DHS from continuing its indiscriminate use of tear gas, rubber bullets, and smoke bombs against protesters, including journalists attempting to document demonstrations. Judge Vier noted "under the guise of protecting the public, federal agents have endangered large numbers of peaceful protestors, legal observers, and journalists . . . The First Amendment demands better." DHS has appealed Judge Vera's decision to the Ninth Circuit.

DHS and ICE's outrageous conduct must be reined in. I urge you to pass SB2145.

Respectfully,

Clayton Kamida