
A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§481B- Smart household security devices; data sharing
5 with law enforcement; prohibition; penalties. (a) An operator
6 shall not share smart household security device user data with a
7 law enforcement agency unless:

8 (1) The user consents in writing to share their data with
9 a law enforcement agency;

10 (2) The law enforcement agency provides the operator with
11 a judicial warrant requiring the operator to share the
12 data with the law enforcement agency; or

13 (3) There is an emergency situation; provided that:

14 (A) The emergency involves a clear and present danger
15 of imminent death or serious bodily harm to a
16 person or persons resulting from a kidnapping, an



1 abduction, or the holding of a hostage by force
2 or the threat of the imminent use of force;
3 (B) There was no prior notice of the emergency
4 sufficient to obtain prior judicial approval, and
5 the law enforcement officer reasonably believes
6 that an order permitting the obtaining of smart
7 household security device data would be issued
8 were there prior judicial review;
9 (C) The smart household security device data is
10 necessary and the only potential data available
11 to prevent imminent death or serious bodily harm
12 to a person or persons; and
13 (D) The smart household security device data must and
14 can be accessed before a judicial warrant could
15 be issued to prevent imminent death or serious
16 bodily harm to a person or persons.
17 (b) An operator shall not require a user to consent to the
18 sharing of smart household security device data with a law
19 enforcement agency as a condition of using a smart household
20 security device. An operator shall clearly and conspicuously
21 inform the user, through a visible disclaimer, that the user is



1 not required to consent to sharing data with a law enforcement
2 agency and that refusing to consent will not terminate the
3 user's ability to use the smart household security device.

4 (c) Any violation of this section shall be deemed an
5 unfair or deceptive act or practice in trade or commerce in
6 violation of chapter 480.

7 (d) The attorney general may bring an action based on a
8 violation of this section to recover all of the following
9 relief:

10 (1) Injunctive relief;

11 (2) Damages in an amount equal to the greater of:

12 (A) Actual damages; or

13 (B) A civil penalty in accordance with section
14 480-3.1; and

15 (3) Reasonable attorneys' fees and costs.

16 (e) Notwithstanding section 480-2 or any law to the
17 contrary, and notwithstanding subsection (f), no person,
18 including a consumer, may bring a private action to enforce this
19 section or a private action under any other law based on a
20 violation of this section.



1 (f) The duties, remedies, and obligations imposed by this
2 section shall be cumulative to the duties, remedies, or
3 obligations imposed under other law and shall not be construed
4 to relieve an operator from any duties, remedies, or obligations
5 imposed under any other law.

6 (g) For the purposes of this section:

7 "Judicial warrant" means an order in writing or otherwise
8 pursuant to section 803-33.5 made by a judge or other
9 magistrate, or a warrant issued pursuant to Rule 41 of the
10 Federal Rules of Criminal Procedure.

11 "Law enforcement agency" means any county police
12 department, the department of law enforcement, and any federal,
13 state, or county public body that employs law enforcement
14 officers.

15 "Law enforcement officer" means any public servant, whether
16 employed by the United States, the State, or a county, who is
17 vested by law with a duty to maintain public order or to make
18 arrests for offenses or to enforce the criminal laws, whether
19 that duty extends to all offenses or is limited to a specific
20 class of offenses.



1 "Operator" means a person who develops, makes available, or
2 operates a smart household security device for the public and
3 who collects, retains, or controls access to smart household
4 security device data associated with a user account profile.

5 "Operator" does not include a retail store solely because the
6 retail store provides access to or sells a smart household
7 security device.

8 "Smart household security device" means a device primarily
9 intended for residential security or monitoring that:

- 10 (1) Is installed or affixed to a residential dwelling,
11 accessory structure, or entryway;
- 12 (2) Continuously or intermittently captures visual images
13 or audio recordings, or both; and
- 14 (3) Enables storage, transmission, or remote access to the
15 recordings through a digital networked system.

16 "Smart household security device" does not include a personal
17 computing device, tablet, or mobile phone when used incidentally
18 for recording; a device used solely for live two-way
19 communication without recording capability; or a device owned or
20 operated by a government entity for public surveillance.



1 "User" means a person who has, or generates, an account or
2 profile to use a smart household security device."

3 SECTION 2. If any provision of this Act, or the
4 application thereof to any person or circumstance, is held
5 invalid, the invalidity does not affect other provisions or
6 applications of the Act that can be given effect without the
7 invalid provision or application, and to this end the provisions
8 of this Act are severable.

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect on July 1, 2026.



Report Title:

AG; Office of Consumer Protection; Unfair or Deceptive Acts or Practices; Smart Household Security Device Data; Prohibition; Consent; Law Enforcement Agencies; Warrants; Emergency Situation; Penalties

Description:

Prohibits operators of smart household security devices from sharing user data with law enforcement agencies unless the user consents, the law enforcement agency obtains a judicial warrant, or there is an emergency situation involving a clear and present danger of imminent death or great bodily harm. Prohibits operators from requiring users to consent to the sharing of data with law enforcement agencies as a condition of using a smart household security device. Allows the Department of the Attorney General to bring a civil action against operators who violate certain requirements. (CD1)

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