

STAND. COM. REP. NO. **2158**

Honolulu, Hawaii

**FEB 11 2026**

RE: S.B. No. 2438  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Third State Legislature  
Regular Session of 2026  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2438 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, and coercion;
- (2) Authorize private rights of action;
- (3) Authorize actions to be brought by the Attorney General, County Corporation Counsel, or County Attorney;
- (4) Authorize injunctive relief, declaratory relief, and certain monetary relief; and
- (5) Include protections for constitutionally protected speech.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Hawai'i Civil Rights Commission; Community Alliance on Prisons; AAUW of Hawaii; The



Legal Clinic; Honolulu Hawaii NAACP; Hawaii Coalition for Immigrant Rights; Roots Reborn; American Civil Liberties Union of Hawai'i; and thirty-six individuals.

Your Committee finds that the Hawaii State Constitution guarantees equal protection, due process, and the enjoyment of civil rights for all individuals. Your Committee further finds that the Hawaii State Constitution emphasizes that these rights are actionable and require mechanisms to ensure that they are protected against interference. Your Committee also finds that an individual should not be discriminated against in the exercise of their civil rights. This measure will provide broad remedies, speech protection, and a liberal construction to safeguard civil rights in the State.

Your Committee notes the concern raised by the Department of the Attorney General that this measure, in its current form, is vague and overly broad and should therefore include definitions for the terms "coercion", "intimidation", and "threat" to render this measure more easily enforceable.

Your Committee further notes that it is necessary to include a definition of "person" to clarify the scope of covered defendants and immunity to ensure that a civil action is not brought against the State, any county, or agency, or any officer or employee of the State or any county acting within the scope of official duties.

Accordingly, your Committee has amended this measure by:

- (1) Inserting definitions of "coercion", "intimidation", "person", and "threat";
- (2) Specifying that only a person who intentionally or knowingly interferes with constitutional or statutory rights shall be liable in a civil action;
- (3) Inserting language that establishes a statute of limitations for any action brought against a person who has interfered with another person's constitutional and statutory rights through threats, intimidation, or coercion;



- (4) Inserting language requiring that a complaint brought against a person who has interfered with another person's constitutional and statutory rights through threats, intimidation, or coercion to state with particularity certain facts; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2438, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2438, S.D. 1, and be referred to your Committee on Ways and Means.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-Third Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2938	JDC. WAM	2/3/26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink File with Committee Report     Committee     Drafting Agency				

\*Only one measure per Record of Votes