



Committee: House Committee on Transportation  
Hearing Date/Time: Thursday, February 12, 2026 at 8:30am  
Place: Conference Room 430 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in OPPOSITION of HB1958 Relating to Public Safety**

Dear Chair Kila, Vice Chair Miyake, and Members of the Committee:

The ACLU of Hawai'i **opposes HB1958**, which establishes enforcement procedures on O'ahu to prevent domiciling or storing of personal property within a bus stop area when law enforcement deem a person as not intending to use public transportation. While framed as a public safety measure, this bill authorizes police to remove and cite people from public bus stops based on a subjective judgment about their "intent," mandates escalating citations against people who have nowhere else to go, and authorizes—and directs—the seizure and destruction of personal property with little or no due process. The measure is vague, invites discriminatory enforcement, conflicts with the Hawai'i Supreme Court's decision in *Davis v. Bissen*, and ultimately risks criminalizing poverty rather than improving transit safety.

### **I. This bill is vague and overly broad.**

The Hawai'i Constitution prohibits statutes that are vague or overly broad because they fail to provide ordinary people fair notice of what conduct is prohibited and grant excessive discretion to law enforcement.<sup>1</sup> HB1958 violates that standard.

Much of the statutory language in this bill is undefined and open to broad interpretation. For example, how can a law enforcement officer reasonably determine, simply by observing someone at a bus stop, whether that person "intends to use the public transportation services?" In practice, this invites officers to rely on appearance, assumptions, and stereotypes. Individuals who "look homeless" may be treated as violators merely for being present near a bus stop.

Extending this logic, people who appear poor or unhoused could effectively be deterred from using public transportation at all.

---

<sup>1</sup> *State v. Zowail*, Hawai'i Supreme Court, SCWC-18-0000777 (June 15, 2020).  
<https://caselaw.findlaw.com/court/hi-supreme-court/2070469.html>.

Similarly, the requirement that a person make “reasonable or measurable efforts” to comply is vague. What qualifies as “reasonable or measurable”? Would calling a shelter, moving belongings incrementally, or seeking service provider assistance count? The bill provides no guidance. This lack of clarity leaves compliance to the subjective judgment of individual officers, which invites arbitrary enforcement.

The bill states:

“County law enforcement officers shall not presume an immediate violation and shall make reasonable, polite inquiries when responding to complaints or suspected violations. At each stage of enforcement, officers shall assess whether the person is making reasonable efforts to comply, recognizing that some persons may require additional time to safely remove personal belongings.”

It is unclear whether these “reasonable efforts” pause the citation timeline or are merely discretionary considerations. Again, this bill grants broad, undefined discretion to law enforcement. This is troubling—and likely unconstitutional.

The bill also appears to create different procedures for “personal property” and “remaining unclaimed property,” but provides no definitions or guidance on how officers are to distinguish between them.

## **II. The bill criminalizes poverty.**

The language prohibiting “domiciling at a bus stop” is duplicative. Both the City and County of Honolulu’s existing “sit/lie” ordinances and the Hawai‘i Penal Code’s “obstruction” statute already prohibit obstruction and similar activity.<sup>2</sup>

The bill requires the issuance of escalating citations, which necessarily means increased law enforcement contacts. But this mandate will not reduce houselessness on Oahu and will instead trap people in an endless cycle of fines and penalties they cannot afford to pay. Penalizing people who already have nowhere else to go does not improve their living or financial situation.

Civil Beat reported last year that Honolulu’s recent “crackdown” increased the number of citations issued by 60%. Troublingly, “[i]n many cases, cops are simply penalizing

---

<sup>2</sup> See, e.g., ROH, Chapter 13, Articles 8, 15, 15A, 15B, 16, 19, 20, 21; see also HRS § 711-1105 (obstructing).

the same people more frequently, some dozens, even hundreds, of times.”<sup>3</sup> Citation-based enforcement does not solve the problem; it merely forces people to play an unending game of musical chairs.

Moreover, “bus stop area” is defined as a 40-foot stretch—20 feet before and after a bus stop sign. In dense urban areas with frequent stops, these zones overlap extensively. The practical effect would be to bar houseless people from large portions of public space—all while providing no additional support or assistance.

### **III. The bill authorizes unconstitutional seizure of property.**

HB1958 also violates the Hawai‘i Supreme Court’s decision in *Davis v. Bissen*, 154 Hawai‘i 68, 545 P.3d 557 (2024).<sup>4</sup> In *Davis*, the ACLU of Hawai‘i sued the County of Maui for the lack of procedural due process involved in a houseless sweep. The Court held that the seizure and destruction of houseless people’s belongings without adequate procedural protections violated due process.

This bill mandates that, if a person does not make “reasonable or measurable efforts” to comply, the County must remove all personal property “within one hour.” That timeline is inconsistent with the procedural protections required by *Davis*.

The Court made clear that “unabandoned possessions of houseless persons constitute property protected by the due process clause of Article I, Section 5 of the Hawai‘i Constitution.” The Court also held that before property deprivation, a person must receive constitutionally adequate notice, which has two components: “It must inform affected parties of the action about to be taken against them as well as of procedures available for challenging that action.” Removing and disposing of property *within one hour* does not provide meaningful notice.

Finally, as the Court explained, the plaintiffs in *Davis* “were not given a meaningful opportunity to be heard prior to the seizure and disposal of their property. Therefore, their right to procedural due process was violated.” The same defect is present here. HB1958’s mandated timeline—that personal property be removed “within one hour” and the disposal of “remaining unclaimed property”—would effectively prevent *any* meaningful opportunity to contest the seizure.

---

<sup>3</sup> Jeremy Hay & Caitlin Thompson, *Honolulu’s Crackdown Traps Homeless In Loop Of Citations*, Honolulu Civil Beat (Nov. 14, 2025), <https://www.civilbeat.org/2025/11/honolulus-crackdown-traps-homeless-in-loop-of-citations/>

<sup>4</sup> *Davis v. Bissen*, Hawai‘i Supreme Court, SCAP-22-0000368 (Mar. 5, 2024).  
<https://law.justia.com/cases/hawaii/supreme-court/2024/scap-22-0000368.html>.

For these reasons, the ACLU of Hawai‘i respectfully asks that you hold HB1958.

Sincerely,



Jongwook “Wookie” Kim  
Legal Director  
ACLU of Hawai‘i  
[wkim@acluhawaii.org](mailto:wkim@acluhawaii.org)

*With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai‘i is to protect the fundamental freedoms enshrined in the United States and Hawai‘i State Constitutions through legislative, litigation, and public education work. 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 our communities in Hawai‘i for over 60 years.*

**HB-1958**

Submitted on: 2/10/2026 7:28:37 PM

Testimony for TRN on 2/12/2026 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry Support

1958 HB RELATING TO PUBLIC SAFETY.

GOOD LUCK IN ENFORCEMENT BY HPD

**HB-1958**

Submitted on: 2/11/2026 8:58:40 AM

Testimony for TRN on 2/12/2026 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jonathan Huynh	Individual	Support	Written Testimony Only

Comments:

I support this legislation because it would improve the quality of the affected public spaces for public transit users.

**HB-1958**

Submitted on: 2/11/2026 9:01:24 AM

Testimony for TRN on 2/12/2026 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

We need safe and orderly bus stops. As a regular bus commuter, I cannot express strongly enough how much this legislation is needed. Bus stops should NOT function as de facto homeless shelters. It does NOT help homeless individuals and it does NOT provide a safe environment for transit users. I strongly urge this committee to **SUPPORT** this bill!