



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

ON THE FOLLOWING MEASURE:

H.B. NO. 2025, RELATING TO LAW ENFORCEMENT.

BEFORE THE:

HOUSE COMMITTEE ON TRANSPORTATION

DATE: Tuesday, February 17, 2026 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 430

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Melina D. Sanchez, Deputy Attorney General

Chair Kila and Members of the Committee:

The Department of the Attorney General provides the following comments.

This bill adds a new chapter to the Hawaii Revised Statutes (HRS) prohibiting digital navigation applications from providing alerts or other notices regarding the presence of law enforcement personnel or law enforcement operations at specific locations. The bill authorizes the Attorney General or a county attorney to seek injunctive relief and imposes an unspecified civil fine for violating an injunctive court order issued under the chapter.

The Department has the following concerns.

First, the bill may be subject to challenge as a content-based restriction on speech under the First Amendment to the United States Constitution and article I, section 4, of the Hawai'i State Constitution. "A law is content based if it applies to particular speech because of the topic discussed or the idea or message expressed." *TikTok Inc. v. Garland*, 122 F.4th 930, 950 (D.C. Cir. 2024). Content-based restrictions are subject to strict scrutiny. *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 165 (2015). Strict scrutiny "requires that a law be the least restrictive means of achieving a compelling state interest." *Free Speech Coal., Inc. v. Paxton*, 606 U.S. 461, 471 (2025).

The bill prohibits alerts relating specifically to the presence of law enforcement personnel or law enforcement operations. Because the prohibition turns on the subject matter of the speech—information about law enforcement presence—a court may

conclude that it regulates speech based on its content. Although the apparent purpose of the bill is to prevent evasion or interference with law enforcement activities, it is uncertain whether a categorical prohibition on speech concerning law enforcement presence would be considered narrowly tailored or the least restrictive means to achieve that purpose.

Second, the prohibition against law enforcement alerts may present significant enforcement challenges. Digital navigation alerts are generated in real time and may be based on user-generated reports or automated data inputs. Monitoring compliance and identifying violators may be administratively difficult.

Given these constitutional and practical concerns, the Department respectfully recommends that the Committee hold this bill.

Thank you for the opportunity to present this testimony.

HB-2025

Submitted on: 2/12/2026 5:13:08 PM

Testimony for TRN on 2/17/2026 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Chris Abe	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose HB2025 as law enforcement overreach. This bill appears to be government supression of 1st amendment free speech.

Under what circumstance are American citizens not allowed to make a simple statement of fact that an on-duty representative of the government is at a given location? Especially if there is no immediate threat to life, injury or public safety.

This bill is inviting a challenge by multi-billion dollar tech companies which will only waste our taxpayer resources. Beyond free speech rights violations, the Communication Decency Act grants platforms and users leeway in online communications.