



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Third Legislature
2026 Regular Session**

House Committee on Judiciary and Hawaiian Affairs

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Tuesday, March 3, 2026, 2:00 p.m.
State Capitol
Conference Room 325 & Videoconference

by:
Nicholas J. Severson
Staff Attorney for the Hawai'i Supreme Court

Bill No. and Title: House Bill No. 2091, H.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

Purpose: The purpose of this Act is to authorize public employers to petition for temporary restraining orders and injunctions against employment-related harassment, credible threat of violence, or unlawful violence of certain public employees. Effective 7/1/3000.

Judiciary's Position:

The Judiciary strongly supports this bill, which is part of the Judiciary's legislative package.

The pressing need for this legislation is demonstrated by the alarming increase in harassment, acts of violence, and threats against public servants. As detailed in the preamble of multiple studies have shown an increase in harassment, acts of violence, and threats against public servants. A 2021 study by the National League of Cities found that eighty-one percent of local public officials surveyed said they had experienced harassment, threats, or violence in recent years. In addition to having their safety and well-being threatened, the report found that harassment and violent behavior interrupted local officials' ability to do their jobs and led to the loss of institutional knowledge. See H.B. 2091, H.D.1, at 1:10 to 2:3. This harassment and violent conduct inhibits the ability of public officials to carry out their critical duties and has the



HB2091, H.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

House Committee on Judiciary and Hawaiian Affairs

Tuesday, March 3, 2026

Page 2

effect of driving people away from public service. Threats and attacks against judges are also increasing nationwide.

Current law allows an individual to obtain a temporary restraining order against harassment on their own behalf. H.B. 2091, H.D. 1, would allow public employers to seek district court restraining orders on behalf of public servants based on public employment related harassment. California enacted a similar law in the 1990s, which has proven effective in protecting public employees from harassment related to their work. Some examples of the effectiveness of these protections are outlined in the bill. They include the Administrative Office of the Courts obtaining a protective order for a judicial official who received death threats from a party in a family court matter, the County of Los Angeles obtaining a restraining order on behalf of five employees who were subjected to stalking and threats of sexual violence by a member of the public, and a state university obtaining a restraining order against a former employee who purchased firearms and made death threats against various employees. See H.B. 2091, H.D. 1 at 4:4 to 5:2.

These expanded protections have proven to be effective. Allowing a public employer to pursue protective orders on behalf of public servants lessens the individual burden on these employees as they continue to work on behalf of the public. It also allows public employers to help ensure continuity of operations and maintain a safe working environment for their employees.

The Judiciary crafted this measure in late 2025 to provide this option where warranted and appropriate in light of the increasing threat environment. The definition of “public servant” in this measure (at 7:2-8:19) is based upon the definition of a “covered public servant” in H.R.S. § 92H-1, which codifies Act 187 (SLH 2024), after the Legislature’s significant deliberation during the 2024 Legislative Session. The Judiciary does not oppose expansion of the definition of “public servant” and recommends the approach taken in Senate Bill No. 2567, S.D.1 to accomplish that aim.

In recent weeks, the Judiciary and Department of the Attorney General conferred regarding the companion measure being considered in the Senate—Senate Bill No. 2567—and agreed upon language for a Senate Draft 1, which was adopted. Senate Draft 1 provides for a two-year pilot project authorizing employers to file petitions for TRO on behalf of all officers and employees of all three branches of state government. Senate Draft 1 also provides the following:

- The Department of the Attorney General shall establish a system by which a public employer of a public servant of the State may retain a private attorney to provide representation to the public employer to pursue an action on behalf of a public servant.
- The definition of public servant was expanded to include all public employees of the State of Hawai‘i, meaning all officers or employees of all three branches of state



HB2091, H.D. 1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee.

House Committee on Judiciary and Hawaiian Affairs

Tuesday, March 3, 2026

Page 3

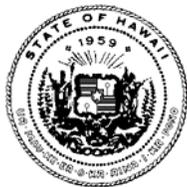
government.

- Staff attorneys for the Judiciary are authorized to represent the Judiciary on behalf of Judiciary employees, and the Judiciary may also retain counsel using its own funds.
- To avoid conflicts, no petition under the pilot project can be maintained when petitioner and respondent are employed in the same branch of government.
- The authorization for a public employer to petition for relief under this section on behalf of a public servant is discretionary, and includes liability protection for state employers and officials for purposes of the pilot project.
- A petition filed by a public employer of a public servant shall identify the “petitioner” as the respective branch of government, department, or agency; provided that the state judiciary shall be identified as the “Administrative Director of the Courts.”

For these reasons, the Judiciary strongly supports this measure, and respectfully requests consideration and adoption of the approach taken in Senate Bill No. 2567, S.D.1.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



RYAN I. YAMANE
DIRECTOR
KA LUNA HO'OKELE

JOSEPH CAMPOS II
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII
KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF HUMAN SERVICES
KA 'OIHANA MĀLAMA LAWELawe KANAKA
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TRISTA SPEER
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

March 2, 2026

TO: The Honorable Representative David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Ryan I. Yamane, Director

SUBJECT: **HB 2091 HD1 – RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.**

Hearing: March 3, 2026, 2:00 p.m.
Conference Room 325 & Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure allowing public employers to petition for temporary restraining orders and injunctions against harassment against "public servants," and provides comments. DHS defers to the Department of the Attorney General.

In recent years, DHS staff have been harassed, assaulted, threatened, and stalked while in the course of their work. These additional protections will enhance workplace safety and may encourage experienced individuals to seek and remain in leadership roles.

DHS respectfully requests an amendment to the definition of "public servant" to include department deputy directors, as provided in section 76-16(16) of the Hawaii Revised Statutes.

Thank you for the opportunity to provide testimony on this measure.



**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. 2091, H.D. 1, RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, March 3, 2026 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Diana Sumarna, Deputy Attorney General, or
Fiamma M. Rago, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) respectfully submits the following comments on this bill.

This bill authorizes public employers to petition for temporary restraining orders and injunctions on behalf of certain public servants for employment-related harassment.

The Department appreciates the revisions made to the bill in House Draft 1 and further recommends that this bill be amended to match its companion bill, S.B. No. 2567, S.D. 1, which establishes a two-year pilot project to expand protections against employment-related harassment by allowing public employers to secure a temporary restraining order and an injunction on behalf of a harassed employee under specified circumstances.

The Department supports S.B. No. 2567, S.D. 1, which the Department worked on with the Judiciary, and which addresses the Department's concerns along with many of the issues raised by other individuals who have testified on this and similar bills. Among other things, S.B. No. 2567, S.D. 1, expands the definition of "public servant" to include officers and employees of all three branches of government and all counties, allows their respective employers to retain private counsel for harassment arising from their official duties, and provides that the Department will establish a system by which a public employer of a public servant employed by the State can retain private counsel,

utilizing state funds provided by an appropriation. This addresses the Department's primary concern with this bill—having the Department and its deputy attorneys general representing individuals in their personal capacity—while simultaneously providing a mechanism for all public servants of the three branches of government in the State and the counties to obtain protection under this pilot program.

The Department respectfully requests that a blanked-out appropriation be added to this bill, as in S.B. No. 2567, S.D. 1, to provide funding for this pilot project. The Department is currently assessing the appropriate amount of funding.

Thank you for considering our comments.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 03/03/2026

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: JHA

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: HB2091, HD1, RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE.

Purpose of Bill: Authorizes public employers to petition for temporary restraining orders and injunctions against employment-related harassment, credible threat of violence, or unlawful violence of certain public employees. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports HB 2091, HD 1 which expands protections against employment-related harassment. This bill authorizes a public employer to petition the district court for a temporary restraining order and an injunction from further harassment on behalf of certain employees who have been subjected to harassment to include "credible threat of violence" and "unlawful violence." The Department, however, would note that the protections in the bill are limited to high-level employees. Harassment and violent behavior interrupt every employee's ability to do their jobs and lead to the loss of institutional knowledge. These protections should be available to the Department's employees at all levels.

HB 2091, HD 1 would provide a legal mechanism for the Department to proactively protect its employees from work-related harassment and threats of violence. This includes immediately notifying law enforcement regarding any conduct or situation that poses an imminent danger or threat.

The Department would also defer to the Attorney General's office for guidance as to the implementation of this measure.

Thank you for the opportunity to provide comments on HB 2091, HD 1.



The House Committee on Judiciary & Hawaiian Affairs
March 3, 2026
Room 325
2:00 PM

RE: **HB 2091 HD1, Relating to Petitions to Temporarily Restrain and Enjoin Harassment of an Employee**

Attention: Chair David A. Tarnas, Vice Chair Mahina Poepoe, Members of the Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawai'i faculty members across Hawai'i's statewide 10-campus system, **supports the intent of HB 2091 HD1, but objects to newly added language excluding public employees covered under chapter 76 and 89 and requests amendments.**

UHPA endorses the underlying concept of empowering employers to petition for temporary restraining orders and injunctions. This process appropriately shifts the emotional and financial burden of seeking legal protection away from the individual employee and onto the employer responsible for workplace safety.

However, UHPA is concerned by new language added to the HD1 draft on page 8, lines 18-19, which excludes from the definition of "public servant," *"other public employees covered under chapter 76 or 89."* By explicitly excluding public employees covered by collective bargaining (Chapter 89), this draft intentionally leaves frontline public workers—including University of Hawai'i faculty—completely unprotected. Faculty members are increasingly subjected to harassment simply for fulfilling their professional responsibilities. Excluding rank-and-file employees from these protections, while preserving them exclusively for high-ranking officials, judges, and legislators, is inequitable and undermines the employer's fundamental duty to maintain a safe working environment for all its workers.

Proposed Amendments: To address this gap and ensure the University can utilize this law to protect its employees, we respectfully request that the Committee **delete the exclusion of Chapter 76 and 89 employees** found on page 8, lines 18-19. Furthermore, we agree that the specific individuals currently listed in the bill—such as volunteers of the office of elections, retired judges, and specific designees—must remain explicitly protected. Therefore, rather than replacing the bill's existing list, we request that the Committee **retain items (1) through (11) and add a new item (12) to explicitly cover all actual public workers: (12) Any other officer or employee of the State or any of its political subdivisions, including public employees covered under chapter 76 or 89.** Adopting this inclusive language ensures consistency across

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Professional Assembly

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the Hawaii Revised Statutes, retains vital protections for election volunteers and specific designees, and guarantees that frontline public employees are not arbitrarily excluded.

With these amendments, UHPA supports the passage of HB 2091 HD1.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'C. Fern', with a long, sweeping horizontal stroke at the end.

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

March 3, 2026

H.B. 2091, H.D. 1 — RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO wishes to provide comments on H.B. 2091, H.D. 1, which authorizes public employers to petition for temporary restraining orders and injunctions against employment-related harassment of certain public employees. **We respectfully request an amendment to broaden the definition of 'public servant' starting on page 6 line 16 to include all public employees employed within the State or any of its political subdivisions.**

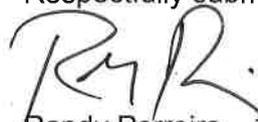
For years, our organization has been a staunch proponent for more employer intervention and responsibility when an employee is subjected to work related harassment, threats, and even assault. We have strongly advocated that the employer provide support and assistance if a temporary restraining order (TRO) is necessary and advisable. The proposed process in this bill empowers the employer to do just that, except that it fails to include any rank-and-file employees, many of whom are public facing and are put into positions where they are likely to be exposed to actions that may warrant a TRO or prosecution.

While we acknowledge the need to extend the protection of Section 604-10.5 to include justices, judges, and other employees of the Judiciary, we consider it shameful that this same level of protection and support is not afforded to rank and file employees. To further grant the authority to the governor and other officials in the proposal to subjectively designate select other employees to be covered by this protection is an insult to the employees who face the public daily and are most susceptible to harassment and intimidation. Excluding rank and file employees from this proposal is just plain wrong.

Considering the many incidents of harassment suffered by employees, including the high-profile assault suffered by an employee earlier this year, it would be truly shameful to move forward this version of the bill that would protect only a select few and not all public employees. Our amendment would ensure that all public employees, irrespective of position, would receive the benefits of this proposed process.

Thank you for the opportunity to provide comments on H.B. 2091, H.D. 1.

Respectfully submitted,


Randy Perreira
Executive Director



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Tuesday, March 3, 2026, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on HB2091, HD1 – RELATING TO PETITIONS TO TEMPORARILY RESTRAIN AND ENJOIN HARASSMENT OF AN EMPLOYEE

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) provides comments on HB2091, HD1, which authorizes public employers to petition for temporary restraining orders and injunctions against employment-related harassment, credible threat of violence, or unlawful violence of certain public employees.

As the exclusive bargaining representative for approximately 12,000 public employees in Bargaining Unit 1 and Bargaining Unit 10, UPW strongly believes our members should feel assured that their employers are committed to taking effective action against harassment and violence. As such, we respectfully request that this bill be amended to include all public employees in the definition of “public servant”.

As written, the legislation limits the definition of “public servant” to high-ranking officials, judges, and lawmakers but excludes hard-working public employees who are tasked with providing essential services to our communities and are often most vulnerable to this sickening behavior. This definition is inconsistent with the established definition of “public servant” in Section 710-1000, Hawaii Revised Statutes.

Given recent events and the apparent rise in incidents of harassment targeting public employees, it seems evident, unfortunately, that this legislation is necessary to protect the rights and dignity of members. We urge the committee to amend this measure to ensure any employee of a branch of government is afforded the same protections as their high-ranking employers.

Mahalo for the opportunity to testify on this bill.

HEADQUARTERS

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