

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: [\(808\) 927-1214](tel:(808)927-1214) / kat.caphi@gmail.com

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON FINANCE

Representative Chris Todd, Chair

Representative Jenna Takenouchi, Vice Chair

Tuesday, April 7, 2026

2:00 PM

Room 308 and VIDEOCONFERENCE

STRONG SUPPORT for SB 2438 SD1,HD1 - PRIVATE RIGHTS OF ACTION

Aloha Chair Todd, Vice Chair Takenouchi and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for almost three decades. This testimony is respectfully offered on behalf of the 3,626 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 23, 2026. We are always mindful that 795 of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons expresses our **STRONG SUPPORT for SB2438 SD1,HD1** that establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion and authorizes private rights of action and authorizes actions to be brought by the Attorney General, County Corporation Counsel, or County Attorney. This bill also authorizes injunctive relief, declaratory relief, and certain monetary relief. Includes protections for constitutionally protected speech. Effective 7/1/3000. (HD1)

The purpose of this Act is to deter interference with civil rights, provide effective civil remedies for such interference, and promote accountability by authorizing civil actions against any person who interferes or attempts to interfere with the exercise or enjoyment of constitutional and statutory rights.

¹ DCR Weekly Population Report, March 23, 2026

[Pop-Reports-Weekly-2026-03-23.pdf](#)

The Hawaii Revised Statutes is amended by adding a new chapter to title 36 to be appropriately designated and to read as follows: **CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS**

This clarifies the meaning of "Intimidation" to mean conduct or communication that would place a reasonable person in fear of physical harm or unlawful restraint and is undertaken for the purpose of causing the person to do or refrain from doing an act that the person has a right to do or refrain from doing under the United States Constitution or laws of the United States, or under the Hawaii State Constitution or laws of the State.

SB 2438 SD1,HD1 is grounded in Hawai'i's own Constitution, which provides significantly stronger protections than the U.S. Constitution, including an explicit right to privacy, a ratified Equal Rights Amendment, explicit anti-discrimination protections, and the Law of the Splintered Paddle.

Hate crimes are specific in Hawaii Revised Statutes, yet the federal government appears to be motivated by hate for people who assert their rights that the US Constitution guarantees - freedom of speech, freedom of religion, freedom of the press, and equal rights.

These rights are the basic tenets of democracy and yet people are being tortured and incarcerated for exercising these rights. We implore the committee to pass SB 2438 SD1, HD1 that demonstrates that Hawaii will protect her people.

This bill is a bright beacon in these dark times. Mahalo for hearing our plea. Community Alliance on Prisons respectfully asks the committee to pass SB 2438 SD1,HD1 that demonstrates that Hawaii will protect her people.

Hawai'i citizens need these protections now as we witness the dark days looming ahead. Please pass this bill and protect the rights guaranteed in our Constitution.

Mahalo for the opportunity to express our first amendment right!



April 6, 2026

Position: **SUPPORT of SB2438 SD1 HD1**, Relating to Civil Interference with Constitutional and Statutory Rights

To: Representative Chris Todd, Chair
Representative Jenna Takenouchi, Vice Chair
Members of the House Committee on Finance

From: Llasmin Chaine, LSW, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in SUPPORT of SB2438 SD1 HD1, Relating to Civil Interference with Constitutional and Statutory Rights

Hearing: Tuesday, April 7, 2026, 2:00 p.m.
Conference Room 308, State Capitol

The Hawaii State Commission on the Status of Women is dedicated to advancing equality and protecting the civil and constitutional rights of women and girls across the state. The Commission **supports SB2438 SD1 HD1 because it strengthens legal protections against threats, intimidation, or coercion that interfere with individuals' constitutional and statutory rights**, which are foundational to gender equity and the safety of women.

By establishing a clear civil cause of action **this bill provides essential tools for addressing violations that may otherwise go unremedied**. The inclusion of injunctive and declaratory relief, as well as certain monetary remedies, offers meaningful avenues for redress and deterrence. These mechanisms are especially important for women and gender minorities, who may face unique forms of intimidation or coercion in exercising their rights.

The alignment of SB2438 SD1 HD1 with best practices in civil rights law supports both public safety and individual liberties. This bill authorizes private rights of action; therefore, **enforcement is driven by individual plaintiffs, not state resources**.

We respectfully urge this Committee to **pass SB2438 SD1 HD1**, strengthening civil rights protections in Hawaii.

Thank you for this opportunity to submit testimony.



**TESTIMONY IN SUPPORT OF SB2438, SD1 – RELATING TO
CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS**

House Committee on Finance

Rep. Chris Todd, Chair

Rep. Jenna Takenouchi, Vice Chair

Hearing Date: April 7, 2026 | Letter Date: April 6, 2026

Dear Chair Todd, Vice Chair Takenouchi, and Members of the Committee:

The Legal Clinic (TLC) supports SB2438, SD1, HD1 to establish a civil cause of action for individuals whose constitutional or statutory rights are interfered with through threats, intimidation, or coercion.

As a nonprofit organization dedicated to immigrant justice in Hawai'i, and in this era of intensified federal immigration enforcement, we recognize that the communities we serve are acutely vulnerable to intimidation, coercion, and interference with their rights. SB2438, SD1, HD1 fills a critical gap in Hawai'i law by providing an accessible civil remedy to deter rights-violating conduct, hold bad actors accountable, and ensure that all individuals can exercise their rights freely and safely.

SB2438, SD1, HD1 also expressly safeguards First Amendment rights by clarifying that free speech alone does not constitute a violation unless it rises to the level of a true threat of violence that would cause a reasonable person or group to fear imminent harm. This balance is essential. SB2438, SD1, HD1 targets coercive conduct, not disagreement, protest, or other lawful expression. This bill protects civil rights without undermining free speech or political participation.

SB2438, SD1, HD1's flexible enforcement structure allows actions to be brought not only by aggrieved individuals but also by the Attorney General, corporation counsel, or county attorneys. Public enforcement authority is especially important in cases involving systemic interference, widespread intimidation, or vulnerable communities, including immigrants, who may fear retaliation if they act alone.

SB2438, SD1, HD1 is a thoughtful and balanced measure that strengthens civil rights protections while respecting constitutional boundaries. We urge the Committee to pass this bill.

Sincerely,

Christina Sablan
Community & Policy Advocate



Fujiwara & Rosenbaum, LLC

1100 Alahea Street, FL 20, STE B

Honolulu, Hawaii 96813

House Committee on Finance

Tuesday, April 7, 2026, 2:00 PM, Conference Room 308

Re: Fujiwara & Rosenbaum Testimony in **STRONG SUPPORT of S.B. 2438, S.D. 1, H.D. 1 Relating to Civil Interference with Constitutional and Statutory Rights**

Chair Todd, Vice-Chair Takenouchi, and Members of the Committee on Finance:

Fujiwara & Rosenbaum, LLC, a civil rights law firm originally established in 1986, submits this testimony in STRONG SUPPORT of S.B. 2438, S.D. 1, H.D. 1, the Hawai'i Civil Rights Protection Act.

I. Background

S.B. 2438, S.D. 1, H.D. 1 establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion. The bill functions as Hawai'i's parallel to 42 U.S.C. § 1983, the federal civil rights enforcement statute. It authorizes private civil actions by any aggrieved person, the Attorney General, or county attorneys, and provides for actual damages, injunctive relief, declaratory relief, and reasonable attorneys' fees and costs.

This bill passed the Senate Judiciary Committee unanimously, 5-0, with bipartisan support. In the House, the Committee on Judiciary & Hawaiian Affairs found that "threats, intimidation, and coercion undermine the meaningful exercise of constitutional and statutory rights and that existing civil remedies may not adequately deter such conduct," and recommended the bill pass with an amendment simply clarifying the definition of intimidation. .

II. Why This Bill Is Needed Now: The View From the Island of Hawai'i

As a resident of the Island of Hawai'i, I write with particular urgency. Over the past year, our island has become ground zero for federal immigration enforcement operations that have shattered families, devastated our agricultural economy, and created a climate of fear that chills the exercise of constitutional rights by all residents, regardless of immigration status.

Beginning in March 2025, ICE agents conducted enforcement operations at coffee farms in South Kona and along our island's southern coast. Federal agents descended on a home in South Kona's coffee belt, interrogated a mother and her three children, returned the next day with warrants, and deported all four to Honduras within a week. A Big Island first grader was taken into custody at his elementary school by a school resource officer and turned over to Child Welfare Services, then to ICE; both the child and his father were deported. The largest single enforcement action occurred May 6-7, 2025, when ICE agents detained workers from Central America at coffee plantations on the Big Island, accounting for nearly all of the 34 arrests that month. By September 2025, more than 100 coffee farm workers from along the island's southern coast had been arrested and deported. Statewide, ICE conducted 194 arrests in Hawai'i between January 8 and October 15, 2025, quadruple the 52 arrests in all of 2024.

The consequences extend far beyond those directly detained. Coffee farmer Armando Rodriguez of Aloha Star Coffee Farm lost 20-30% of his crop due to labor shortages. Ryson

Nakamasu, operations manager of Honolulu Coffee, reported needing 15-18 pickers but having only 10, noting: "People didn't want to come. My own guys don't want to go to the store because they don't want to be profiled." Workers with legal residency and work permits refused to travel to Hawai'i because they feared being detained at the airport.

Advocates have documented ICE agents using so-called "Unaccompanied Alien Children welfare checks" as a pretext for broader enforcement. Kara Teng, managing attorney of the Pacific Gateway Center's Unaccompanied Children Program, stated: "They call it wellness checks. I would call it a mass raid. Everyone is pretty much collateral damage."

This is precisely the type of conduct S.B. 2438, S.D. 1, H.D. 1 is designed to address. When threats, intimidation, and coercion are used to interfere with the exercise of constitutional and statutory rights, whether by public officials or private persons, there must be an enforceable remedy. The bill defines "intimidation" as "conduct or communication that would place a reasonable person in fear of physical harm or unlawful restraint and is undertaken for the purpose of causing the person to do or refrain from doing an act that the person has a right to do or refrain from doing." The climate of fear pervading the Island of Hawai'i's coffee-growing communities is the living definition of intimidation that chills the exercise of rights.

The people in these communities have constitutional rights. The Hawai'i Constitution's right to privacy, its protections against unreasonable searches, seizures, and invasions of privacy, its anti-discrimination protections, and the Law of the Splintered Paddle's mandate that "every elderly person, woman and child lie by the roadside in safety" all apply to every person within our borders. These protections are meaningless if there is no mechanism to enforce them. S.B. 2438, S.D. 1, H.D. 1 provides that mechanism.

III. THIS BILL HAS NO FISCAL IMPACT

S.B. 2438, S.D. 1, H.D. 1 creates no new fiscal obligation for the State or counties. The bill authorizes private rights of action, meaning enforcement is driven by individual plaintiffs and their attorneys, not state-funded enforcement. While the Attorney General and county attorneys are authorized to bring actions, they are not required to do so, and any such actions would use existing resources. The bill contains no appropriation and requires no new positions.

IV. THE STATE AND COUNTIES FACE NO LITIGATION EXPOSURE

The definition of "person" explicitly excludes "the State, any county, or any department, agency, board, commission, officer, or employee of the State or any county acting within the scope of official duties." The State and counties face zero exposure to litigation costs or damages as potential defendants under this Act.

V. The Bill Contains Robust Safeguards Against Frivolous Claims

This bill is tightly drafted. Plaintiffs must prove defendants acted "intentionally or knowingly," not merely negligently. Complaints must "state with particularity the facts" establishing the specific protected right, the threatening conduct, and the defendant's state of mind. This heightened pleading standard, similar to fraud pleading requirements, allows courts to dismiss vague or conclusory complaints at the outset. The bill includes a two-year statute of limitations. Speech alone is not actionable unless it constitutes a true threat of violence and the threatened person reasonably fears imminent harm. **These provisions**

ensure the bill provides remedies for genuine violations while protecting against abuse of the legal process.

VI. Hawai'i's Constitutional Protections Demand An Enforcement Mechanism

As Chief Justice Marshall wrote in *Marbury v. Madison* (1803): "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." A right without a remedy is merely an aspiration.

Hawai'i's Constitution is one of the most protective in the nation. It includes an explicit right to privacy requiring a "compelling state interest" to overcome, an Equal Rights Amendment ratified in 1972 (while the federal ERA was never adopted), explicit anti-discrimination language prohibiting discrimination "because of race, religion, sex, or ancestry," the Law of the Splintered Paddle mandating the protection of vulnerable persons, a constitutional right to a clean and healthful environment, and protections for the traditional and customary rights of Native Hawaiians. None of these protections have meaningful federal equivalents, and several have no federal analog at all. **A detailed comparison of these protections is attached as Appendix A.**

S.B. 2438, S.D. 1, H.D. 1 transforms these constitutional rights from words on paper into enforceable protections backed by judicial remedies.

VII. Request to the Committee

I respectfully ask the Committee to take two actions:

First, pass S.B. 2438, S.D. 1, H.D. 1. This measure has earned broad bipartisan support. It passed the Senate Judiciary Committee 5-0. It was recommended for passage by the House Committee on Judiciary & Hawaiian Affairs. It has received supporting testimony from the Hawai'i Civil Rights Commission, the Department of the Attorney General, the ACLU of Hawai'i, the NAACP Honolulu, the Hawai'i Coalition for Immigrant Rights, Fujiwara & Rosenbaum, LLLC, The Legal Clinic, the AAUW-Hawaii and dozens of individuals.

Second, I urge the Committee to amend the effective date. The current H.D. 1 carries an effective date of July 1, 3000. I understand the use of a defective date as a procedural mechanism to encourage further discussion. That discussion has now occurred, across multiple committees in both chambers, with comprehensive amendments already incorporated to address the substantive concerns raised by the Attorney General and other stakeholders. The families and workers on the Island of Hawai'i who are living in fear today cannot wait until the year 3000 for their rights to be enforceable. I respectfully ask this Committee to set a real effective date so that this Act can become law.

This measure provides Hawai'i residents with a state-level remedy for civil rights violations, ensures that the unique protections guaranteed by our Hawai'i Constitution are enforceable, and does so without any cost to the State or counties. **The need has never been more pressing.**

Mahalo for the opportunity to testify.

APPENDIX A

Provision/Right	U.S. Constitution	Hawai'i Constitution	Why Hawai'i's Provision Is Stronger
Right to Privacy	Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..." (privacy right is implied, not explicit)	Article I, Section 6: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest."	Hawai'i provides an explicit, textual right to privacy requiring the highest level of scrutiny (compelling state interest), not an implied right. This is broader than the Fourth Amendment's protection against unreasonable searches and applies to all privacy invasions, not just government searches.
Sex Discrimination	Fourteenth Amendment Equal Protection Clause (intermediate scrutiny for sex-based classifications; federal ERA never ratified)	Article I, Section 3: "Equality of rights under the law shall not be denied or abridged by the State on account of sex."	Hawai'i ratified an Equal Rights Amendment in 1972. The federal ERA was never adopted. Hawai'i's ERA provides explicit constitutional protection against sex discrimination with the highest level of scrutiny.
Anti-Discrimination Protections	Fourteenth Amendment Equal Protection Clause (prohibits denial of equal protection; specific protected classes not enumerated)	Article I, Section 5: Prohibits discrimination "because of race, religion, sex, or ancestry."	Hawai'i's Constitution explicitly enumerates protected classes, providing clearer and more direct protection than the federal Equal Protection Clause's general language.
Search and Seizure / Privacy	Fourth Amendment: Protects against "unreasonable searches and seizures"	Article I, Section 7: Protects against "unreasonable searches, seizures and invasions of privacy."	Hawai'i's language is broader, explicitly including "invasions of privacy" beyond searches and seizures. Hawai'i courts have interpreted this to reject federal exceptions like the "good faith" doctrine.

APPENDIX A

<p>Public Safety and Protection of Vulnerable Persons</p>	<p>No federal analog</p>	<p>Article IX, Section 10: Enshrines the Law of the Splintered Paddle (māmalahoe kānāwai) as "a unique and living symbol of the State's concern for public safety," mandating that "every elderly person, woman and child lie by the roadside in safety."</p>	<p>This provision, based on Kamehameha I's 1797 decree, has no federal equivalent. It creates an affirmative constitutional mandate to protect vulnerable persons and has been recognized by the Hawai'i Supreme Court as requiring "equality before the law" and protection of all people's common humanity.</p>
<p>Environmental Rights</p>	<p>No federal constitutional right to a clean environment</p>	<p>Article XI, Section 9: Guarantees a right to a clean and healthful environment.</p>	<p>Hawai'i provides an explicit constitutional environmental right that does not exist in the federal Constitution, allowing enforcement through state courts.</p>
<p>Native Hawaiian Traditional and Customary Rights</p>	<p>No federal analog</p>	<p>Article XII, Section 7: Protects the traditional and customary rights of Native Hawaiians.</p>	<p>These indigenous rights protections have no federal constitutional equivalent and can only be enforced through state law mechanisms like SB 2438, S.D. 1.</p>



HAWAI‘I CIVIL RIGHTS COMMISSION

KOMIKINA PONO KIWILA O HAWAI‘I

830 PUNCHBOWL STREET, ROOM 411, HONOLULU, HI 96813 · PHONE: (808) 586-8636 · FAX: (808) 586-8655 · TDD: (808) 586-8692

Tuesday, April 17, 2026 2:00 p.m.
Conference Room 308 & Videoconference
State Capitol, 415 South Beretania Street

To:

[COMMITTEE ON FINANCE](#)

Rep. Chris Todd, Chair

Rep. Jenna Takenouchi, Vice Chair

From: Alphonso Braggs, Chair

and Commissioners of the Hawai‘i Civil Rights Commission

**Re: S.B. 2438 SD1 HD1– Relating to Civil Interference with Constitutional and Statutory Rights
Testimony in SUPPORT**

The Hawai‘i Civil Rights Commission (HCRC) carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5. HCRC has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment (Chapter 378, Part I, HRS), housing (Chapter 515, HRS), public accommodations (Chapter 489, HRS), and access to state and state-funded services (HRS § 368-1.5).

Hawai‘i’s foundation is rooted in the ideas of fairness, liberty, and justice. It is our State’s constructional mandate that no person shall be discriminated against in the exercise of their civil rights. *Art. I, Sec. 5.* Hawai‘i has a long-standing dedication to the protection of the civil rights of all people and ensuring that the exercise of these rights is meaningful and enforceable. SB 2438 SD1 would provide a right of action not only to aggrieved individuals, but also gives

enforcement authority to the Attorney General and county attorneys, therefore, providing a remedy for civil interference with constitutional and statutory rights. The updated drafts incorporates amendments to the bill to include definitions suggested by the Department of the Attorney General, defining the terms “threat”, “intimidation”, and “coercion”. By including definitions, SD1 HD1 addresses the concern of vagueness concerning the acts prohibited.

As the agency charged with enforcing Hawai‘i’s civil rights laws, HCRC understands that threats and coercion undermine equal access to justice and fair treatment. SB2438 SD1 HD1 complements the State’s other anti-discrimination statutes because it prohibits interference with rights themselves, not just discriminatory acts. This is critical for safeguarding civil rights in our state for our people. By filling a gap in existing civil rights protections, SB2438 SD1 HD1 strengthens Hawai‘i’s commitment to ensuring that intimidation and coercion do not erode fundamental freedoms.

It is a core tenet of nondiscrimination laws that federal law is the floor beneath which rights cannot fall rather than a ceiling above which rights cannot rise. Thus, states can have more expansive protections than the federal minimum. Hawai‘i has always sought to expand, rather than restrict individuals’ civil rights and the exercise of those rights. At a time where there is well-placed doubt as to whether rights will be protected at the federal level and that due process will be followed, SB2438 SD1 HD1 would ensure that individuals within our state not only have these protections against the interference of their civil rights, but also provides the mechanism for a remedy for a violation of these rights.

Thank you for the opportunity to provide this testimony in support.



COMMITTEE ON FINANCE

Rep. Chris Todd, Chair

Rep. Jenna Takenouchi, Vice Chair

HEARING:

Tuesday, April 7, 2026 at 2:00 pm

Via Videoconference and Conference Room 308

TESTIMONY IN SUPPORT OF SB 2438, SD1, HD1 - RELATING TO CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS.

Aloha Chair Todd, Vice Chair Takenouchi, Rep. Miyake and Rep. Yamashita of Maui, and Members of the Committee,

My name is Veronica Mendoza, Founding Executive Director of Roots Reborn and a founding coalition member of El Pueblo en Acción (EPA) Maui - *The People in Action Maui*. Roots Reborn **strongly supports SB2438, SD1, HD1**, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion, and includes protections for constitutionally protected speech. This bill authorizes both private rights of action and actions brought by the Attorney General, County Corporation Counsel, or County Attorney.

Roots Reborn is a grassroots, multicultural immigrant-justice and disaster-response organization serving migrant and immigrant communities on Maui and beyond. Born out of the August 2023 wildfires, we immediately stepped in to move aid, navigate systems alongside families, and build the trusted relationships that still anchor our work today. What began as wildfire response has grown into essential infrastructure for immigrant communities facing overlapping crises—from recovery and housing instability to shifting federal policies, increased enforcement, and rising fear.

The trust we have built has given us proximity to hear stories that rarely reach these chambers. Families who survived the fires, who lost homes, who are still piecing their lives together, now live with the additional terror of being separated from their children, their spouses, their neighbors. Many are afraid to go to work or school, or even to seek necessary medical care. For fire survivors already navigating grief, displacement, and rebuilding, this new crisis lands on top of everything else. Recovery becomes impossible when fear is constant.

Since December 2024, we have been meeting this new man-made disaster head-on. Roots Reborn is a founding coalition member of El Pueblo en Acción Maui (EPA Maui)—“The People in Action Maui”—a rapid response network and tipline made up of allied organizations and concerned community members. We exist because we believe an informed, calm community is a safer community.

Through this coalition, we have:

- Distributed over 3,500 flyers on constitutional rights
- Trained more than 700 community members through Know Your Rights workshops
- Delivered over 50 trainings to healthcare providers, social service organizations, business owners, faith communities, educators, and labor union leaders
- Processed more than 450 calls and texts through our tipline from community members concerned about federal enforcement activity
- Trained over 50 volunteer observers in verification, de-escalation, and peaceful documentation



Our experience has confirmed what research and common sense tell us: when federal agents know they are being observed, the rights of community members are more likely to be protected.

Taking photographs and videos in public spaces, including recording law enforcement officers carrying out their duties, is a constitutional right protected by the First Amendment. Senate Bill 2438, SD1, HD1 reaffirms that right by providing a meaningful remedy when law enforcement unlawfully interferes with it.

Our EPA Maui volunteer observers are trained to verify and document federal enforcement activity in public spaces, including through recording, as the First Amendment allows. They do this work because transparency protects everyone. The deaths of Renee Good and Alex Pretti at the hands of federal agents in Minneapolis have deeply shaken our volunteers. These two observers and community members were doing the same kind of constitutionally protected work our observers do. The video of their deaths is chilling. And the only reason their story is being told at all is because other volunteer observers were present to document what happened.

It is the violation of constitutional rights by federal agents — not the act of observing — that puts people like our volunteers at risk. Not only of having their rights infringed, but of bodily harm or death. Despite these dangers, EPA Maui volunteers remain committed to protecting our community members and ensuring that government activity in public spaces is documented. That is why we urge you to **support SB 2438, SD1, HD1**.

Please help us protect the protectors.

Mahalo nui, and in honor of Renee Good and Alex Pretti,

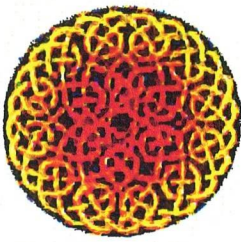
Sinceramente,

A handwritten signature in black ink, appearing to read 'Veronica', written in a cursive style.

Veronica Mendoza

Maui Roots Reborn, *Founding Executive Director*

El Pueblo en Accion Maui, *Founding Coalition Member*



Fujiwara & Rosenbaum, LLC

1100 Alakea Street, FL 20, STE B

Honolulu, Hawaii 96813

House Committee on Finance

Tuesday, April 7, 2026, 2:00 PM, Conference Room 308

Re: Fujiwara & Rosenbaum Testimony in **STRONG SUPPORT of S.B. 2438, S.D. 1, H.D. 1 Relating to Civil Interference with Constitutional and Statutory Rights**

Chair Todd, Vice-Chair Takenouchi, and Members of the Committee on Finance:

Fujiwara & Rosenbaum, LLC, a civil rights law firm originally established in 1986, submits this testimony in STRONG SUPPORT of S.B. 2438, S.D. 1, H.D. 1, the Hawai'i Civil Rights Protection Act.

I. Background

S.B. 2438, S.D. 1, H.D. 1 establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion. The bill functions as Hawai'i's parallel to 42 U.S.C. § 1983, the federal civil rights enforcement statute. It authorizes private civil actions by any aggrieved person, the Attorney General, or county attorneys, and provides for actual damages, injunctive relief, declaratory relief, and reasonable attorneys' fees and costs.

This bill passed the Senate Judiciary Committee unanimously, 5-0, with bipartisan support. In the House, the Committee on Judiciary & Hawaiian Affairs found that "threats, intimidation, and coercion undermine the meaningful exercise of constitutional and statutory rights and that existing civil remedies may not adequately deter such conduct," and recommended the bill pass with an amendment simply clarifying the definition of intimidation. .

II. Why This Bill Is Needed Now: The View From the Island of Hawai'i

As a resident of the Island of Hawai'i, I write with particular urgency. Over the past year, our island has become ground zero for federal immigration enforcement operations that have shattered families, devastated our agricultural economy, and created a climate of fear that chills the exercise of constitutional rights by all residents, regardless of immigration status.

Beginning in March 2025, ICE agents conducted enforcement operations at coffee farms in South Kona and along our island's southern coast. Federal agents descended on a home in South Kona's coffee belt, interrogated a mother and her three children, returned the next day with warrants, and deported all four to Honduras within a week. A Big Island first grader was taken into custody at his elementary school by a school resource officer and turned over to Child Welfare Services, then to ICE; both the child and his father were deported.

The largest single enforcement action occurred May 6-7, 2025, when ICE agents detained workers from Central America at coffee plantations on the Big Island, accounting for nearly all of the 34 arrests that month. By September 2025, more than 100 coffee farm workers from along the island's southern coast had been arrested and deported. Statewide, ICE conducted 194 arrests in Hawai'i between January 8 and October 15, 2025, quadruple the 52 arrests in all of 2024.

The consequences extend far beyond those directly detained. Coffee farmer Armando Rodriguez of Aloha Star Coffee Farm lost 20-30% of his crop due to labor shortages. Ryson

Nakamasu, operations manager of Honolulu Coffee, reported needing 15-18 pickers but having only 10, noting: "People didn't want to come. My own guys don't want to go to the store because they don't want to be profiled." Workers with legal residency and work permits refused to travel to Hawai'i because they feared being detained at the airport.

Advocates have documented ICE agents using so-called "Unaccompanied Alien Children welfare checks" as a pretext for broader enforcement. Kara Teng, managing attorney of the Pacific Gateway Center's Unaccompanied Children Program, stated: "They call it wellness checks. I would call it a mass raid. Everyone is pretty much collateral damage."

This is precisely the type of conduct S.B. 2438, S.D. 1, H.D. 1 is designed to address. When threats, intimidation, and coercion are used to interfere with the exercise of constitutional and statutory rights, whether by public officials or private persons, there must be an enforceable remedy. The bill defines "intimidation" as "conduct or communication that would place a reasonable person in fear of physical harm or unlawful restraint and is undertaken for the purpose of causing the person to do or refrain from doing an act that the person has a right to do or refrain from doing." The climate of fear pervading the Island of Hawai'i's coffee-growing communities is the living definition of intimidation that chills the exercise of rights.

The people in these communities have constitutional rights. The Hawai'i Constitution's right to privacy, its protections against unreasonable searches, seizures, and invasions of privacy, its anti-discrimination protections, and the Law of the Splintered Paddle's mandate that "every elderly person, woman and child lie by the roadside in safety" all apply to every person within our borders. These protections are meaningless if there is no mechanism to enforce them. S.B. 2438, S.D. 1, H.D. 1 provides that mechanism.

III. THIS BILL HAS NO FISCAL IMPACT

S.B. 2438, S.D. 1, H.D. 1 creates no new fiscal obligation for the State or counties. The bill authorizes private rights of action, meaning enforcement is driven by individual plaintiffs and their attorneys, not state-funded enforcement. While the Attorney General and county attorneys are authorized to bring actions, they are not required to do so, and any such actions would use existing resources. The bill contains no appropriation and requires no new positions.

IV. THE STATE AND COUNTIES FACE NO LITIGATION EXPOSURE

The definition of "person" explicitly excludes "the State, any county, or any department, agency, board, commission, officer, or employee of the State or any county acting within the scope of official duties." The State and counties face zero exposure to litigation costs or damages as potential defendants under this Act.

V. The Bill Contains Robust Safeguards Against Frivolous Claims

This bill is tightly drafted. Plaintiffs must prove defendants acted "intentionally or knowingly," not merely negligently. Complaints must "state with particularity the facts" establishing the specific protected right, the threatening conduct, and the defendant's state of mind. This heightened pleading standard, similar to fraud pleading requirements, allows courts to dismiss vague or conclusory complaints at the outset. The bill includes a two-year statute of limitations. Speech alone is not actionable unless it constitutes a true threat of violence and the threatened person reasonably fears imminent harm. **These provisions**

ensure the bill provides remedies for genuine violations while protecting against abuse of the legal process.

VI. Hawai'i's Constitutional Protections Demand An Enforcement Mechanism

As Chief Justice Marshall wrote in *Marbury v. Madison* (1803): "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury." A right without a remedy is merely an aspiration.

Hawai'i's Constitution is one of the most protective in the nation. It includes an explicit right to privacy requiring a "compelling state interest" to overcome, an Equal Rights Amendment ratified in 1972 (while the federal ERA was never adopted), explicit anti-discrimination language prohibiting discrimination "because of race, religion, sex, or ancestry," the Law of the Splintered Paddle mandating the protection of vulnerable persons, a constitutional right to a clean and healthful environment, and protections for the traditional and customary rights of Native Hawaiians. None of these protections have meaningful federal equivalents, and several have no federal analog at all. **A detailed comparison of these protections is attached as Appendix A.**

S.B. 2438, S.D. 1, H.D. 1 transforms these constitutional rights from words on paper into enforceable protections backed by judicial remedies.

VII. Request to the Committee

I respectfully ask the Committee to take two actions:

First, pass S.B. 2438, S.D. 1, H.D. 1. This measure has earned broad bipartisan support. It passed the Senate Judiciary Committee 5-0. It was recommended for passage by the House Committee on Judiciary & Hawaiian Affairs. It has received supporting testimony from the Hawai'i Civil Rights Commission, the Department of the Attorney General, the ACLU of Hawai'i, the NAACP Honolulu, the Hawai'i Coalition for Immigrant Rights, Fujiwara & Rosenbaum, LLLC, The Legal Clinic, the AAUW-Hawaii and dozens of individuals.

Second, I urge the Committee to amend the effective date. The current H.D. 1 carries an effective date of July 1, 3000. I understand the use of a defective date as a procedural mechanism to encourage further discussion. That discussion has now occurred, across multiple committees in both chambers, with comprehensive amendments already incorporated to address the substantive concerns raised by the Attorney General and other stakeholders. The families and workers on the Island of Hawai'i who are living in fear today cannot wait until the year 3000 for their rights to be enforceable. I respectfully ask this Committee to set a real effective date so that this Act can become law.

This measure provides Hawai'i residents with a state-level remedy for civil rights violations, ensures that the unique protections guaranteed by our Hawai'i Constitution are enforceable, and does so without any cost to the State or counties. **The need has never been more pressing.**

Mahalo for the opportunity to testify.

APPENDIX A

Provision/Right	U.S. Constitution	Hawai'i Constitution	Why Hawai'i's Provision Is Stronger
Right to Privacy	Fourth Amendment: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated..." (privacy right is implied, not explicit)	Article I, Section 6: "The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest."	Hawai'i provides an explicit, textual right to privacy requiring the highest level of scrutiny (compelling state interest), not an implied right. This is broader than the Fourth Amendment's protection against unreasonable searches and applies to all privacy invasions, not just government searches.
Sex Discrimination	Fourteenth Amendment Equal Protection Clause (intermediate scrutiny for sex-based classifications; federal ERA never ratified)	Article I, Section 3: "Equality of rights under the law shall not be denied or abridged by the State on account of sex."	Hawai'i ratified an Equal Rights Amendment in 1972. The federal ERA was never adopted. Hawai'i's ERA provides explicit constitutional protection against sex discrimination with the highest level of scrutiny.
Anti-Discrimination Protections	Fourteenth Amendment Equal Protection Clause (prohibits denial of equal protection; specific protected classes not enumerated)	Article I, Section 5: Prohibits discrimination "because of race, religion, sex, or ancestry."	Hawai'i's Constitution explicitly enumerates protected classes, providing clearer and more direct protection than the federal Equal Protection Clause's general language.
Search and Seizure / Privacy	Fourth Amendment: Protects against "unreasonable searches and seizures"	Article I, Section 7: Protects against "unreasonable searches, seizures and invasions of privacy."	Hawai'i's language is broader, explicitly including "invasions of privacy" beyond searches and seizures. Hawai'i courts have interpreted this to reject federal exceptions like the "good faith" doctrine.

APPENDIX A

<p>Public Safety and Protection of Vulnerable Persons</p>	<p>No federal analog</p>	<p>Article IX, Section 10: Enshrines the Law of the Splintered Paddle (māmalahoe kānāwai) as "a unique and living symbol of the State's concern for public safety," mandating that "every elderly person, woman and child lie by the roadside in safety."</p>	<p>This provision, based on Kamehameha I's 1797 decree, has no federal equivalent. It creates an affirmative constitutional mandate to protect vulnerable persons and has been recognized by the Hawai'i Supreme Court as requiring "equality before the law" and protection of all people's common humanity.</p>
<p>Environmental Rights</p>	<p>No federal constitutional right to a clean environment</p>	<p>Article XI, Section 9: Guarantees a right to a clean and healthful environment.</p>	<p>Hawai'i provides an explicit constitutional environmental right that does not exist in the federal Constitution, allowing enforcement through state courts.</p>
<p>Native Hawaiian Traditional and Customary Rights</p>	<p>No federal analog</p>	<p>Article XII, Section 7: Protects the traditional and customary rights of Native Hawaiians.</p>	<p>These indigenous rights protections have no federal constitutional equivalent and can only be enforced through state law mechanisms like SB 2438, S.D. 1.</p>



House Committee on Finance
Rep. Chris Todd, Chair
Rep. Jenna Takenouchi, Vice Chair
April 7, 2026 at 2:00 pm

RE: SB 2438, SD1, HD1, Relating to Civil Interference with Constitutional and Statutory Rights

Chair Elefante, Vice Chair Lamosao, and Members of the Committee:

The Society for Human Resource Management Hawaii Chapter (SHRM Hawaii) respectfully submits testimony in opposition to SB 2438, SD1, HD1. SHRM Hawaii represents human resource professionals across the state who are responsible for implementing workplace policies, ensuring compliance with employment laws, and supporting both employers and employees in maintaining fair, safe, and productive workplaces. We are deeply concerned that SB 2438, SD1, HD1 would create a significant and far-reaching expansion of employer liability by establishing a new private right of action. Essentially this law will greatly broaden who can bring legal claims against employers, i.e., basically anyone.

This measure exposes employers to substantial legal risk in a manner that may be uninsurable. Employment Practices Liability Insurance (EPLI), which many employers rely upon to manage risk, may not cover claims of this nature. In other jurisdictions with similar frameworks, such as those involving Private Attorneys General Act (PAGA)-type claims, insurers often exclude such claims from coverage altogether. This leaves employers, including small businesses, fully exposed to potentially significant legal costs and damages.

In addition, claims brought under similar private enforcement models have proven to be extraordinarily expensive to defend. This is due in large part to the broad scope of discovery typically permitted in such cases, which can quickly escalate litigation costs regardless of the merits of the claim. The result is often coercive settlement pressure, diverting resources away from business operations, workforce development, and employee benefits. As such, this bill represents a major shift in Hawaii's employment law framework. Such a sweeping change warrants careful, deliberate analysis to fully understand its legal, economic, and insurance market impacts. At present, stakeholders, including employers, insurers, and policymakers, have not had sufficient opportunity to evaluate the full range of consequences that may arise from this proposal. Thank you for the opportunity to testify.

Respectfully submitted,
Society for Human Resource Management Hawaii Chapter

Erin Kogen and Maggie Batangan
Co-chairs, SHRM Hawaii Legislative Affairs Committee





www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

Testimony of Liza Ryan-Gill

In STRONG SUPPORT of SB2438 SD1 HD1

Relating to Civil Interference with Constitutional and Statutory Rights

Hearing Date: April 7, 2026, 2:00 PM, Conference Room 308

Dear Chair Todd, Vice Chair Takenouchi, and members of the Committee on Finance,

My name is Liza Ryan-Gill, and I submit this testimony in strong support of SB2438 SD1 HD1 on behalf of the Hawai‘i Coalition for Immigrant Rights (HCIR). HCIR is a coalition of more than 30 immigrant-serving and immigrant-led organizations across the pae ‘āina working to advance policies that protect immigrant and migrant communities and strengthen Hawai‘i as a place where all families can thrive.

SB2438 SD1 HD1 establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion. It authorizes private rights of action and actions by the Attorney General and County Corporation Counsel, and provides for injunctive, declaratory, and monetary relief. The HD1 amendment adds explicit protections for constitutionally protected speech, ensuring the bill targets coercion and threats — not legitimate advocacy or expression.

Rights Without Remedies Are Hollow

Hawai‘i's Constitution is among the most protective in the nation. It includes an explicit right to privacy requiring a compelling state interest to override, a ratified Equal Rights Amendment, explicit anti-discrimination protections based on race, religion, sex, and ancestry, the Law of the Splintered Paddle mandating protection of vulnerable persons, a right to a clean and healthful environment, and protections for the traditional and customary rights of Native Hawaiians. None of these protections have meaningful federal equivalents — and several have no federal analog at all. But a right without a remedy is merely an aspiration. SB2438 SD1 HD1 transforms these constitutional commitments from words on paper into enforceable protections backed by judicial remedies.

The Need Is Real and Urgent in Our Communities

HCIR member communities on the Island of Hawai‘i and across the pae ‘āina are living this reality right now. Beginning in March 2025, ICE conducted enforcement operations at coffee farms in South Kona and along the island's southern coast. By September 2025, more than 100 coffee farm workers had been arrested and deported. Statewide, ICE conducted 194 arrests



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

between January and October 2025 — quadruple the number from all of 2024. A first grader was taken from his elementary school, turned over to ICE, and deported along with his father.

The consequences extend far beyond those directly detained. Workers with legal residency refused to travel to Hawai‘i out of fear. Families stopped going to schools, clinics, and courts. Coffee farmers lost 20–30% of their crops due to labor shortages. This is the living definition of intimidation that chills the exercise of constitutional rights — and it is precisely the conduct SB2438 SD1 HD1 is designed to address.

For immigrant communities, crime survivors, and low-income residents who are threatened or intimidated to prevent them from reporting abuse, accessing services, or asserting their legal rights, there is currently no clear civil cause of action in Hawai‘i. This bill creates that remedy.

The Bill Is Carefully and Tightly Drafted

SB2438 SD1 HD1 includes robust safeguards against misuse. Plaintiffs must prove defendants acted intentionally or knowingly — not merely negligently. Complaints must state with particularity the facts establishing the specific protected right, the threatening conduct, and the defendant's state of mind. Speech alone is not actionable unless it constitutes a true threat of violence and the threatened person reasonably fears imminent harm. The bill includes a two-year statute of limitations. Critically, the definition of "person" explicitly excludes the State, counties, and their agencies, officers, and employees acting within the scope of official duties — meaning the State and counties face no litigation exposure as potential defendants.

Why Finance Committee Support Matters

This bill creates no new fiscal obligation for the State or counties. Enforcement is driven by individual plaintiffs and their attorneys, and while the Attorney General and County Corporation Counsel are authorized to bring actions, they are not required to do so and would use existing resources. The bill contains no appropriation and requires no new positions.

SB2438 SD1 HD1 has earned broad, bipartisan support. It passed the Senate Judiciary Committee 5-0. It was recommended for passage by the House Committee on Judiciary & Hawaiian Affairs, which found that threats, intimidation, and coercion undermine the meaningful exercise of constitutional and statutory rights and that existing civil remedies may not adequately deter such conduct. It has received supporting testimony from the Hawai‘i Civil Rights Commission, the Department of the Attorney General, the ACLU of Hawai‘i, the NAACP Honolulu, Fujiwara & Rosenbaum LLLC, The Legal Clinic, the AAUW-Hawaii, and dozens of individuals. HCIR is proud to add its voice.



www.hicir.org | Instagram @hicir
hicoalitionforimmigrantrights@gmail.com

Having passed the Senate and House JHA, this bill comes before Finance for the final review before the floor. We urge this Committee to advance it — and to correct the current effective date of July 1, 3000, so that this Act can become law and provide real relief to the families and workers in our communities who need it now.

For these reasons, I respectfully request that the Committee PASS SB2438 SD1 HD1.

Mahalo for the opportunity to provide testimony.

Liza Ryan-Gill



Committee: House Committee on Finance
Hearing Date/Time: Tuesday, April 07, 2026, 2:00 PM
Place: Conference Room 308
Re: ACLU Testimony in SUPPORT of, with Requested Amendments to, SB 2438, SD1, HD1, Relating to Civil Interference with Constitutional and Statutory Rights

Dear Chair Todd, Vice Chair Takenouchi, and members of the Committee:

The American Civil Liberties Union of Hawai'i (ACLU-HI) writes in **support of SB 2438, SD1, HD1**, which creates a state remedy for interference with one's constitutional and statutory rights. This bill provides a potential avenue for individuals to seek justice when someone prevents them from exercising their rights. **To further effectuate this intent, we respectfully request that the committee remove language exempting state and county actors from the bill's application.**

In recent times, we have witnessed alarming incidents where federal actors have trampled over the rule of law and violated basic human and constitutional rights. ICE agents have shot civilians,¹ incarcerated children,² and disrupted families. SB 2438, SD1 serves as a potential shield against this federal overreach, allowing individuals to take their grievances to Hawai'i state courts when faced with unlawful actions from federal agents. Without this legislation, victims may find themselves without recourse, as federal courts have severely limited access to remedies for constitutional violations by federal officials.³

This bill creates a new civil remedy when threats, intimidation, or coercion occur. This is especially important as our state constitution offers stronger protections than the

¹ Hellman M. (2026, January 28). Eight People have died in dealings with ICE so far in 2026. These are their stories. *The Guardian*. [https://www.theguardian.com/us-news/2026/jan/28/deaths-ice-2026-](https://www.theguardian.com/us-news/2026/jan/28/deaths-ice-2026)

² The Marshall Project. (2026, January 29). "Why is this happening to us?" Daily number of kids in ICE detention jumps 6x under Trump. <https://www.themarshallproject.org/2026/01/29/ice-kids-in-detention-numbers>

³ See, e.g., James E. Pfander & Rex N. Alley, Federal Tort Liability After *Egbert v. Boule*: The Case for Restoring the Officer Suit at Common Law, 138 Harv. L. Rev. 985, 997 (2025).

U.S. Constitution, including explicit rights to privacy,⁴ equal rights,⁵ and environmental protections.⁶ These rights deserve meaningful enforcement, and similar laws have been passed in states like California,⁷ New Jersey,⁸ Maine,⁹ and Massachusetts.¹⁰

The bill was amended from its original version, however, to exclude from its application employees of the state or county acting within the scope of their duties. This broad carve-out significantly weakens the bill, and we therefore respectfully request that you remove it.

Mahalo for the opportunity to testify.

Sincerely,



Mandy Fernandes

Policy Director

American Civil Liberties Union of Hawai'i

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.

⁴ Haw. State Const. Article I, Section 6.

⁵ Haw. State Const. Article I, Section 3.

⁶ Haw. State Const. Article XI, Section 9.

⁷ Cal. Civ. Code § 52.1

⁸ N.J. Stat. Ann. § 10:6-2(c)

⁹ Me. Stat. tit. 5, § 46821-A

¹⁰ Mass. Gen. Laws ch. 12, § 11I

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org



April 7, 2026

House Committee on Finance

Hearing Date/Time: Tuesday, April 7, 2026/2:00 PM

Place: Hawaii State Capitol, Conference Room 308

Re: Testimony in **STRONG SUPPORT** of **S.B. No. 2438, S.D.1, H.D. 1. , Relating to Civil Interference with Constitutional and Statutory Rights**

Dear Chair Todd, Vice-Chair Takemouchi, and Members of the Committee:

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of S.B. No. 2438, S.D.1, H.D.1 to create a new Hawai'i Revised Statutes Chapter, entitled the **Hawaii Civil Rights Protection Act**.

We find that the rights guaranteed under the Constitution of the United States, the Constitution of the State of Hawai'i, and various federal and state laws are meaningful only if they are effectively enforceable. Definitely, threats, intimidation, and coercion, whether those actions are committed by public officials or private persons, do undermine the free exercise and enjoyment of these rights. **These concerns are crucial for many of our members in AAUW-Honolulu as well as our neighbor island branches: AAUW-Hilo, AAUW-Kona, AAUW-Kauai, and AAUW-Maui.**

SB 2438, S.D.1, H.D.1 may be the most important bill we can support this legislative session. It gives us a way to fight back as the Trump federal government continues to violate our constitutional rights—and right now, that protection has never been more urgent.

SB 2438, S.D.1, H.D.1 is not radical. This legislation is the basic architecture of civil rights enforcement that has existed since the **Civil Rights Act of 1871—the Ku Klux Klan Act—created 42 U.S.C. §1983 to allow victims of state-sponsored violence to seek redress in federal court.** It creates a state equivalent to federal civil rights protections --**42 U.S.C. §1983**, which is now almost useless under Trump and his Supreme Court.

- Besides the destruction of reproductive rights in red states after **Dobbs v. Jackson Women's Health Organization**, 597 U.S. 215 (2022), Trump and his anti-abortion allies in Congress are not only attacking Planned Parenthood now, but they are also dragging us frighteningly close to a national abortion ban.
- As far as universities and schools the Trump administration is dismantling the Department of Education along with the Office of Civil Rights that enforces Title IX.
- Federal employers in Hawai'i as well as private employers who receive federal contracts must decide how to comply with Trump's DEI fiats.

What is radical is: a federal administration that views constitutional constraints as obstacles to be overcome rather than principles to be honored. We are facing a **constitutional crisis:** the federal government—which was created to protect our rights—has become the primary violator of those rights.

What the bill does: It creates a state-level equivalent to 42 U.S.C. § 1983, allowing **individuals to sue in state court** when their rights under the Hawai'i Constitution are violated by private persons or government actors. Like Section 1983 this bill authorizes a ***private right of action to deter interference with our constitutional and statutory rights through threats, intimidation, or coercion***. It promotes accountability against any person who interferes **or** attempts to interfere with those rights.

This would **allow Hawai'i residents, especially women, to enforce their state constitutional rights**—including our ERA, our privacy rights, as well as our reproductive rights—**in state court**.

Why SB 2438 SD1, H.D.1 matters for Hawai'i women:

- **Strengthens enforcement of equal protection.** Hawai'i's constitution has one of the strongest equality provisions. This bill gives them teeth by providing a clear path to hold either private persons or government officials accountable when those rights are violated.
- **Protects reproductive autonomy.** Hawai'i's constitutional right to privacy is enumerated and specific; it is broader than federal protections. **A state equivalent of Section 1983 ensures women can enforce these rights in state court, regardless of what happens at the federal level.**
- **Provides an alternative when federal courts are inaccessible.** Federal civil rights litigation is increasingly constrained by judicial interpretation (a drastic understatement). A state remedy keeps the courthouse doors open to hearing concerns regarding violations of women's rights. Consequently, we know that our judges will be fair and concerned about justice.
- **Supports survivors.** Women who experience civil rights violations by private persons as well as by state or local government—whether in policing, public employment, education, or healthcare—would have a direct avenue for accountability.

As importantly for the **State and the Counties**, this bill has ***no fiscal impact on either the state or the counties***. Also there is ***no litigation exposure*** for the State and the Counties.

Amending the HRS by adding this new chapter would serve to advance the principles of equality, justice, and fairness for all individuals within the state. Thank you for the opportunity to testify.

Sincerely,

Public Policy Committee, AAUW of Hawaii

publicpolicy-hi@aauw.net

The American Association of University Women (AAUW) of Hawaii is an all-volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.

SB-2438-HD-1

Submitted on: 4/2/2026 9:58:08 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Support	Written Testimony Only

Comments:

I support this bill. This needs to apply to all rights. This includes the Second Amendment.

SB-2438-HD-1

Submitted on: 4/2/2026 8:28:56 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tim Huycke	Individual	Support	Written Testimony Only

Comments:

I very strongly support SB2438.

SB-2438-HD-1

Submitted on: 4/3/2026 10:42:23 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Judith White	Individual	Support	Written Testimony Only

Comments:

Protection of constitutional rights is foundational to our democracy! Please pass.

Judith White, Kapaa

Kauai Indivisible

SB-2438-HD-1

Submitted on: 4/3/2026 11:04:22 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sandy Ma	Individual	Support	Written Testimony Only

Comments:

Dear Chair Todd and Vice Chair Takenouchi and Members of the House Finance Committee,

I am testifying in support of SB 2438, SD1, HD1, which (1) establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion, (2) authorizes private rights of action, (3) authorizes actions to be brought by the Attorney General, County Corporation Counsel, or County Attorney, (4) authorizes injunctive relief, declaratory relief, and certain monetary relief, and (5) includes protections for constitutionally protected speech.

SB 2438, SD1, HD1 provides a private right of action under state law for when our constitutional rights are violated through threats, intimidation, or coercion.

Given the perilous times we are living in, SB 2438, SD1, HD1 is necessary to protect us from federal overreach. SB 2438, SD1, HD1 will allow us to go to our Hawai'i state courts to enforce our legal rights and protections.

For these reasons, I support this bill and ask you to also support SB 2438, SD1, HD1. Mahalo,

Sandy Ma

SB-2438-HD-1

Submitted on: 4/3/2026 11:23:00 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gail Morrison	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB2438 SD1 personally and as a member of the Indivisible Hawaii Statewide Network (IHSN).

This bill authorizes a civil remedy for violation of civil rights in a suit brought by the offended individual, the Attorney General or County Corporation Counsel. This expanded protection of rights in Hawaii comports with the expectation that when there are legal consequences for actions it discourages that conduct.

SB2438 SD1 includes protections against abuse of the cause of action with a 2 year statute of limitations and a mental state requirement for the alleged violation of rights. Since it provides for a private cause of action by affected individuals no State resources are needed to make the law effective. As applied to government actors SB2438 SD1 will bring accountability for wrongful actions to agents and officers using intimidation, threats, or coercion in violation of civil rights.

Over the last year-plus we have seen countless examples of threatening and violent actions by agents of the federal government. We have reports of people hidden away in detention facilities where they are housed in unsanitary conditions with inadequate food and no medical care in complete violation of their human and constitutional rights. SB2438 SD1 is intended to protect Hawaii from similar harms by providing an avenue to impose accountability and consequences for violations which may occur here.

One concern is that SB2438 SD1 provides immunity to all state actors and agents acting under color of law. This is bad policy - all should be equal under the law. Moreover, it could result in the invalidation of the statute sif applied to federal agents and officers under principles of equal protection or preemption, thus voiding one of the primary goals of the bill.

Even with these concerns SB2438 SD1 is a step forward in the protection of civil rights for all persons in Hawaii. I ask you to pass this bill.

Thank you for the opportunity to testify on this important bill.

Gail Morrison, Honolulu

SB-2438-HD-1

Submitted on: 4/3/2026 11:50:23 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Members of the Committee,

I am writing in **strong support** of SB2438, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion.

This bill creates a critical new tool for protecting the fundamental rights of Hawai‘i residents. It authorizes private rights of action, as well as actions brought by the Attorney General, County Corporation Counsel, or County Attorney, against those who interfere with constitutional and statutory rights through threats, intimidation, or coercion. The bill authorizes injunctive relief, declaratory relief, and certain monetary relief, while including important protections for constitutionally protected speech.

Why This Bill Is Necessary

Currently, individuals who are targeted by threats, intimidation, or coercion designed to interfere with their exercise of constitutional rights have limited legal recourse. While criminal laws may address some forms of threatening behavior, they do not always provide a path for victims to seek civil remedies for the harm they have suffered.

Consider a scenario where a landlord threatens to evict a tenant for reporting code violations—a form of retaliation that interferes with the tenant's right to petition the government. Or a situation where an employer intimidates workers to prevent them from organizing for better working conditions. Or a case where private actors use threats to prevent community members from exercising their right to vote or to speak out on matters of public concern. In each of these examples, fundamental rights are being violated through coercion, but the victims may have no clear civil cause of action under existing law.

SB2438 fills this gap. It provides a direct, enforceable right for victims to seek justice in the courts when their constitutional or statutory rights have been interfered with through threats, intimidation, or coercion.

Protections for Speech

The bill explicitly includes protections for constitutionally protected speech. This is a critical safeguard. The bill is not designed to chill legitimate expression, political advocacy, or robust

debate. It targets only conduct that crosses the line from protected speech into actionable coercion or intimidation. The inclusion of this provision ensures that the bill will be applied consistent with the First Amendment and the Hawai'i Constitution's free speech protections.

Every resident of Hawai'i deserves to exercise their constitutional and statutory rights without fear of threats, intimidation, or coercion. When those rights are violated, victims deserve a clear path to justice. SB2438 provides that path.

I urge this committee to pass SB2438.

Mahalo for the opportunity to testify.

SB-2438-HD-1

Submitted on: 4/3/2026 12:29:55 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jesse Hutchison	Individual	Support	Written Testimony Only

Comments:

I'm writing in strong support. Thank you!

SB-2438-HD-1

Submitted on: 4/3/2026 2:10:19 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brodie Lockard	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2438-HD-1

Submitted on: 4/3/2026 2:35:15 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
DIANNE WINTER BROOKINS	Individual	Support	Written Testimony Only

Comments:

I testify in STRONG SUPPORT of this bill. The bill has:

- No fiscal impact. The bill creates no new state agency, no new program, and requires no direct appropriation. Private enforcement is self-funding through the fee-shifting provision. Any AG or county attorney enforcement is permissive, not mandatory, using existing resources; and
- No liability for the State or counties. Government entities and employees acting within the scope of their official duties are explicitly excluded from the definition of covered defendants.

This is a proven model. Similar statutes have operated in Massachusetts (since 1979) and California (since 1987) without significant fiscal impact beyond existing enforcement infrastructure.

Moreover, this bill is grounded in Hawai'i's own Constitution, which provides stronger protections than the U.S. Constitution, including an explicit right to privacy, a ratified Equal Rights Amendment, explicit anti-discrimination protections, and the Law of the Splintered Paddle. SB2438 makes those rights enforceable.

The bill passed the Senate 25-0 and cleared JHA 5-2 with all Democrats voting aye. It is ready to move.

Thank you for the opportunity to testify in STRONG SUPPORT of SB2438.

Dianne Winter Brookins

SB-2438-HD-1

Submitted on: 4/3/2026 4:43:27 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kehaulani Coleman	Individual	Support	Written Testimony Only

Comments:

Thank you

SB-2438-HD-1

Submitted on: 4/3/2026 4:54:07 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
john savino	Individual	Support	Written Testimony Only

Comments:

I support

SB2438 SD1 includes protections against abuse of the cause of action with a 2 year statute of limitations and a mental state requirement for the alleged violation of rights. Since it provides for a private cause of action by affected individuals no State resources are needed to make the law effective. As applied to government actors SB2438 SD1 will bring accountability for wrongful actions to agents and officers using intimidation, threats, or coercion in violation of civil rights.

SB-2438-HD-1

Submitted on: 4/4/2026 12:50:21 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daphne Barbee	Individual	Support	Written Testimony Only

Comments:

Dear Honoarble Members of the House,,

Please pass this bill to ensure a private remedy for violations of civil and Constituional rights in Hawaii. I think 2030 is too far for enforcement and as that it be enforced no later than 2027. The private cause of actions are necessary to allow private actions where an agency or Commissin is not able to fully protect a person's reights. The State does not loose money if this enacted as the cost will be bourn by the privat sectors.

Thank you.

Daphne Barbee, Atty.

SB-2438-HD-1

Submitted on: 4/4/2026 2:47:24 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eileen Cain	Individual	Support	Written Testimony Only

Comments:

Aloha, Representatives,

Please vote for SB2438 SD1 HD1. Since this law provides for legal action in cases of "interference with constitutional and statutory rights through threats, intimidation, or coercion," it will protect our people from civil rights violations by agents of the government.

Mahalo,

Eileen Cain, Honolulu

SB-2438-HD-1

Submitted on: 4/5/2026 5:48:49 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Bonk	Individual	Support	Written Testimony Only

Comments:

Please pass this bill that would provide for some accountability of violators of citizens constitutional rights. We have witnessed far too much unaccountability for federal agents throughout the country over the past year, and few months especially.

Please discourage bad actors in Hawaii by providing a means of accountability by passing this bill.

SB-2438-HD-1

Submitted on: 4/5/2026 9:15:09 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jane Aquino	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB2438 SD1 personally and as a member of the Indivisible Hawaii Statewide Network (IHSN).

This bill authorizes a civil remedy for violation of civil rights in a suit brought by the offended individual, the Attorney General or County Corporation Counsel. This expanded protection of rights in Hawaii comports with the expectation that when there are legal consequences for actions it discourages that conduct.

SB2438 SD1 includes protections against abuse of the cause of action with a 2 year statute of limitations and a mental state requirement for the alleged violation of rights. Since it provides for a private cause of action by affected individuals no State resources are needed to make the law effective. As applied to government actors SB2438 SD1 will bring accountability for wrongful actions to agents and officers using intimidation, threats, or coercion in violation of civil rights.

Over the last year-plus we have seen countless examples of threatening and violent actions by agents of the federal government. We have reports of people hidden away in detention facilities where they are housed in unsanitary conditions with inadequate food and no medical care in complete violation of their human and constitutional rights. SB2438 SD1 is intended to protect Hawaii from similar harms by providing an avenue to impose accountability and consequences for violations which may occur here.

One concern is that SB2438 SD1 provides immunity to all state actors and agents acting under color of law. This is bad policy - all should be equal under the law. Moreover, it could result in the invalidation of the statute sif applied to federal agents and officers under principles of equal protection or preemption, thus voiding one of the primary goals of the bill.

Even with these concerns SB2438 SD1 is a step forward in the protection of civil rights for all persons in Hawaii. I ask you to pass this bill.

Thank you for the opportunity to testify on this important bill.

Jane Aquino, Indivisible Hawaii

SB-2438-HD-1

Submitted on: 4/5/2026 10:45:54 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Thank you for this opportunity to support SB2438.

Younghee Overly, a member of Indivisible Hawaii

COMMITTEE ON FINANCE
Rep. Chris Todd, Chair
Rep. Jenna Takenouchi, Vice Chair

HEARING:
Tuesday, April 7, 2026 at 2:00 pm
Via Videoconference and Conference Room 308

TESTIMONY IN SUPPORT OF SB 2438, SD1, HD1 - RELATING TO CIVIL INTERFERENCE WITH CONSTITUTIONAL AND STATUTORY RIGHTS.

Aloha Chair Todd, Vice Chair Takenouchi, Rep. Miyake for my Maui district, Rep. Yamashita of Maui, and Members of the Committee,

My name is Christine Andrews, and I am a long-term resident of Wailuku, Maui. I am also an attorney licensed in the state of Hawaii for over 25 years, a volunteer Know Your Rights educator, and a founding coalition member of El Pueblo en Acción (EPA) Maui — The People in Action Maui. I write to you today in **strong support of SB 2438, SD1, HD1, Relating to Civil Civil Interference with Constitutional and Statutory Rights**, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion; authorizes private rights of action; authorizes actions to be brought by the Attorney General, County Corporation Counsel, or County Attorney; authorizes injunctive relief, declaratory relief, and certain monetary relief; and includes protections for constitutionally protected speech.

As an attorney licensed for over 25 years, it is difficult for me to express to you my feelings witnessing the violations of the Constitution and rule of law that federal agents and agencies are engaged in nationwide. The violations of the First Amendment, which began in early 2025 with federal agents detaining and attempting to deport students for their protected speech, have escalated recently to the murder by federal agents of two citizens engaged in protected and lawful constitutional observation activity.

I engage in constitutional education and observer activity here on Maui as part of a coalition of protectors. I am a volunteer Know Your Rights educator, and have trained social services and health care professionals, business owners and faith leadership, teachers and union leaders on what their constitutional rights are, and how to protect them from being violated by federal agents. I am a volunteer observer, trained to verify and document activity by federal agents, including recording them. The murders of Renee Good and Alex Pretti in Minneapolis hit me very hard. To watch the video of someone being murdered doing the kind of constitutionally-protected education and documenting work I do was terrifying. I think it is safe to say that it impacted everyone within our volunteer network. It did not, however, have the intended effect. While it was a shock to our mental health and overall wellbeing, all of the volunteers I know reconfirmed their commitment to the work that we do to serve and protect our community, even at the risk of our own lives if that is what protecting democracy requires.

I have submitted a lot of testimony this session, especially upon issues related to aggressive federal civil immigration enforcement activity and violations of protected rights. I am submitting this testimony later than I usually do, because this subject is so personal and triggers such difficult emotions. I have seen federal, state and local agents and officers kill, injure, shoot with less than lethal weapons that resulted in life-changing injuries, pepper spray directly into people's faces, subjected families to tear gas. All for engaging in protected First Amendment activity. The courts have pushed back and found these attacks on civilians unlawful. This is deeply personal. These attacks by federal, state and local agents have been directed at people like me. I **request that you support SB 2438, SD1, HD1** to stand with people like me fighting to ensure the rights of ALL people under the Constitution are protected, and to provide support and accountability when civil rights are violated.

In honor of Renee Good and Alex Pretti,

Christine L. Andrews, J.D.

SB-2438-HD-1

Submitted on: 4/6/2026 12:02:42 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lynn Otaguro	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure.

SB-2438-HD-1

Submitted on: 4/6/2026 7:32:15 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Individual	Support	Written Testimony Only

Comments:

This legislation couldn't be more timely. As the Trump administration attempts to silence, opposition by threatening major media outlets, and individuals with lawsuits and, or, loss of license, we need to stand stronger than ever in defense of our constitution.

SB-2438-HD-1

Submitted on: 4/6/2026 7:54:06 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Joie Yonamine	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Todd, Chair Takenouchi, and Members of the Committee,

I am writing in strong support of SB2438 SD1 personally and as a member of the Indivisible Hawaii Statewide Network (IHSN).

This bill authorizes a civil remedy for violation of civil rights in a suit brought by the offended individual, the Attorney General or County Corporation Counsel.

SB2438 SD1 includes protections against abuse of the cause of action with a 2 year statute of limitations and a mental state requirement for the alleged violation of rights. Since it provides for a private cause of action by affected individuals no State resources are needed to make the law effective. As applied to government actors SB2438 SD1 will bring accountability for wrongful actions to agents and officers using intimidation, threats, or coercion in violation of civil rights.

Over the last several years we have seen countless examples of threatening and violent actions by agents of the federal government. SB2438 SD1 is intended to protect Hawaii from similar harms by providing an avenue to impose accountability and consequences for violations which may occur here.

One concern is that SB2438 SD1 provides immunity to all state actors and agents acting under color of law. This is bad policy - all should be equal under the law. Moreover, it could result in the invalidation of the statute if applied to federal agents and officers under principles of equal protection or preemption, thus voiding one of the primary goals of the bill.

Even with these concerns SB2438 SD1 is a step forward in the protection of civil rights for all persons in Hawaii. I ask you to pass this bill.

Thank you for the opportunity to testify on this important bill.

Joie Yonamine

SB-2438-HD-1

Submitted on: 4/6/2026 8:55:13 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
James E Raymond	Individual	Support	Written Testimony Only

Comments:

Thank you. I am a member of Indivisible Windward.

SB-2438-HD-1

Submitted on: 4/6/2026 8:55:54 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diann Karin Lynn	Individual	Support	Written Testimony Only

Comments:

SB2438 SD1 HD1 — Hawai'i Civil Rights Protection Act

I am a strong supporter of The Legal Clinic in their campaign for immigrant justice and defense of due process for all.

The first and most important responsibility of government is to protect its people – citizen and immigrant, legal or not – against all enemies, foreign and domestic. *Protection of constitutional rights – Federal and State – is paramount.*

In this case of this bill, I am writing in PARTICULARLY STRONG SUPPORT because it provides critically important protections for our people:

- *Establishes civil cause of action for interference with constitutional / statutory rights through threats, intimidation, or coercion.*
- *Ensures a private right of action, and provides that the AG / Corporation Counsel can bring claims.*
- *Establishes injunctive, declaratory, and monetary relief.*
- **Protects constitutionally protected speech; * creates legal remedy when people are threatened / intimidated to deter them from exercising their rights.*

This bill is especially critical for immigrant communities facing intimidation as a tool to prevent them from reporting crime or accessing services, but the bill provides essential protections for all of us in Hawai'i nei.

PLEASE VOTE AYE AND FAST TRACK THIS BILL TO THE GOVERNOR'S DESK.

Mahalo
Diann K Lynn
Mō'ili'ili

SB-2438-HD-1

Submitted on: 4/4/2026 12:50:21 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Daphne Barbee	Individual	Support	Written Testimony Only

Comments:

Dear Honoarble Members of the House,,

Please pass this bill to ensure a private remedy for violations of civil and Constituional rights in Hawaii. I think 2030 is too far for enforcement and as that it be enforced no later than 2027. The private cause of actions are necessary to allow private actions where an agency or Commissin is not able to fully protect a person's reights. The State does not loose money if this enacted as the cost will be bourn by the privat sectors.

Thank you.

Daphne Barbee, Atty.

SB-2438-HD-1

Submitted on: 4/6/2026 9:28:30 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melanie Lau MD	Individual	Support	Written Testimony Only

Comments:

Aloha Rep. Todd, Rep. Takenouchi, and Members of the Committee on Finance:

I **strongly support** SB 2438, SD1, HD1, the Hawai'i Civil Rights Protection Act, as it creates a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion. It authorizes private enforcement with attorney's fees for prevailing plaintiffs, as well as enforcement by the Attorney General and county corporation counsel.

The bill creates no new state agency, no new program, and **requires no direct appropriation**. Private enforcement is self-funding through the fee-shifting provision. The only potential fiscal impact is discretionary use of existing AG or county attorney resources for enforcement actions, which is permissive rather than mandatory. Similar statutes have operated in Massachusetts (since 1979) and California (since 1987) without significant fiscal impact beyond their existing enforcement infrastructure.

Thank you for scheduling this important legislation for a hearing, please **pass** this bill.

Mahalo,

Melanie Lau, MD

SB-2438-HD-1

Submitted on: 4/6/2026 10:22:52 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christian Marquez	Individual	Support	Written Testimony Only

Comments:

Dear Chair Chris Todd, Vice Chair Jenna Takenouchi, and members of the Committee on Finance,

My name is Christian Marquez, and I submit this testimony in support of SB2438 SD1 HD1, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion, authorizes private rights of action and actions by the Attorney General and County Corporation Counsel, authorizes injunctive, declaratory, and monetary relief, and includes explicit protections for constitutionally protected speech.

Rights without remedies are hollow. When community members — including immigrants, crime survivors, and low-income residents — are threatened or intimidated to prevent them from reporting abuse, accessing services, or exercising their legal rights, there is currently no clear civil cause of action in Hawai‘i. SB2438 SD1 HD1 creates that remedy. The HD1 amendment’s explicit protections for constitutionally protected speech demonstrate that this bill was designed with precision: the target is threats and coercion that interfere with legal rights, not legitimate advocacy or expression.

For immigrant communities facing both federal enforcement escalation and private threats designed to deter them from seeking help or asserting their rights, this bill provides a critical legal tool. The Attorney General and County Corporation Counsel can also bring actions, ensuring enforcement is not solely dependent on individual victims initiating claims. Having passed the Senate and House JHA, this bill comes before Finance for the final appropriation review and advancement to the floor.

For these reasons, I respectfully request that the Committee PASS SB2438 SD1 HD1.

Mahalo for the opportunity to provide testimony.

Sincerely,

Christian Marquez

SB-2438-HD-1

Submitted on: 4/6/2026 10:50:47 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy D Moser	Individual	Support	Written Testimony Only

Comments:

in support

Testimony In SUPPORT of SB2438 SD1 HD1

House Committee on Finance (FIN)

Chair: Rep. Chris Todd

Vice Chair: Rep. Jenna Takenouchi

Hearing Date: April 7, 2026

Dear Chair Chris Todd, Vice Chair Jenna Takenouchi, and members of the Committee on Finance,

My name is Jeremiah Brown, and I submit this testimony in **support of SB2438 SD1 HD1**, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion, authorizes private rights of action and actions by the Attorney General and County Corporation Counsel, authorizes injunctive, declaratory, and monetary relief, and includes explicit protections for constitutionally protected speech.

Rights without remedies are hollow. When community members, including immigrants, crime survivors, and low-income residents, are threatened or intimidated to prevent them from reporting abuse, accessing services, or exercising their legal rights, there is currently no clear civil cause of action in Hawai'i. SB2438 SD1 HD1 creates that remedy. The HD1 amendment's explicit protections for constitutionally protected speech demonstrate that this bill was designed with precision: the target is threats and coercion that interfere with legal rights, not legitimate advocacy or expression.

For immigrant communities facing both federal enforcement escalation and private threats designed to deter them from seeking help or asserting their rights, this bill provides a critical legal tool. The Attorney General and County Corporation Counsel can also bring actions, ensuring enforcement is not solely dependent on individual victims initiating claims. Having passed the Senate and House JHA, this bill comes before Finance for the final appropriation review and advancement to the floor.

For these reasons, I respectfully request that the Committee **PASS SB2438 SD1 HD1**.

Mahalo for the opportunity to provide testimony.

Sincerely,

Jeremiah Brown
Waialua, Oahu

**Testimony of HAWAII FILIPINO LAWYERS ASSOCIATION (HFLA)
In SUPPORT of SB2438 SD1 HD1**

House Committee on Finance (FIN)

Chair: Rep. Chris Todd

Vice Chair: Rep. Jenna Takenouchi

Hearing Date: April 7, 2026

Dear Chair Chris Todd, Vice Chair Jenna Takenouchi, and members of the Committee on Finance,

My name is Wilfredo Tungol, HFLA Advocacy Committee chair. HFLA submit this testimony in **support of SB2438 SD1 HD1**, which establishes a civil cause of action for interference with constitutional and statutory rights through threats, intimidation, or coercion, authorizes private rights of action and actions by the Attorney General and County Corporation Counsel, authorizes injunctive, declaratory, and monetary relief, and includes explicit protections for constitutionally protected speech. HFLA support the right of immigrants and citizens alike from unlawful abuses of law enforcement authorities when exercising their lawful rights.

Rights without remedies are hollow. When community members — including immigrants, crime survivors, and low-income residents — are threatened or intimidated to prevent them from reporting abuse, accessing services, or exercising their legal rights, there is currently no clear civil cause of action in Hawai‘i. SB2438 SD1 HD1 creates that remedy. The HD1 amendment’s explicit protections for constitutionally protected speech demonstrate that this bill was designed with precision: the target is threats and coercion that interfere with legal rights, not legitimate advocacy or expression.

For immigrant communities facing both federal enforcement escalation and private threats designed to deter them from seeking help or asserting their rights, this bill provides a critical legal tool. The Attorney General and County Corporation Counsel can also bring actions, ensuring enforcement is not solely dependent on individual victims initiating claims. Having passed the Senate and House JHA, this bill comes before Finance for the final appropriation review and advancement to the floor.

For these reasons, I respectfully request that the Committee **PASS SB2438 SD1 HD1**.

Mahalo for the opportunity to provide testimony.

Sincerely,

Wilfredo Tungol
HFLA Advocacy Chair
808-387-7412

SB-2438-HD-1

Submitted on: 4/6/2026 6:50:30 PM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anna Ezzy	Individual	Support	Written Testimony Only

Comments:

I live in Hilo and I am in support of SB2438. This measure provides essential tools to address violations of individuals' constitutional and statutory rights for safer and healthier communities.

SB-2438-HD-1

Submitted on: 4/7/2026 12:29:47 AM

Testimony for FIN on 4/7/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendell Hayes	Individual	Support	Written Testimony Only

Comments:

Chair Todd,

I am a resident of the Island of Hawai'i. SB 2438, SD1, HD1 provides a private right of action under state law for when our residents' constitutional rights are violated through threats, intimidation, or coercion, especially in the Ka'u District.

Given the perilous times we are living in, SB 2438, SD1, HD1 is necessary to protect us from federal overreach. SB 2438, SD1, HD1 will allow us to go to our Hawai'i state courts to enforce our legal rights and protections.

For these reasons, I support this bill and ask you as one of our Island of Hawai'i representatives to also support SB 2438, SD1, HD1.

Mahalo,

Wendell Hayes