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Testimony of the Department of Commerce and Consumer Affairs

Office of Consumer Protection

Before the
House Committee on Judiciary & Hawaiian Affairs
Wednesday, April 1, 2026
2:00 PM
Via Videoconference
Conference Room 325

On the following measure:
S.B. 888, S.D. 2, H.D.1 Relating to Consumer Protection

Chair Tarnas and Members of the Committee:

My name is Melissa Enright, and I am an Enforcement Attorney at the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department offers comments.

This bill does not contain legislative findings that would explain its intent but it can be inferred that the bill is intended to protect consumers from the loss of privacy that may result from disclosures to law enforcement of sensitive, intimate visual images or audio recordings captured by their smart household security devices in circumstances where the user has not granted consent and a law enforcement agency has not obtained a judicial warrant. The prior Committee amended the bill to allow operator disclosures to law enforcement without user consent and without a judicial warrant in emergency

situations where a clear and present danger of imminent death or serious bodily harm is present, there was no previous notice to law enforcement sufficient to obtain prior judicial approval, and the smart household security device data must and can be accessed before a warrant could be issued to prevent imminent death or serious bodily harm.

Article I, section 6 of the Hawaii State Constitution recognizes a fundamental right of privacy and requires the legislature to “take affirmative steps to implement this right.”¹ This bill prohibits operators of smart household security devices from making smart household security device data available to law enforcement agencies with limited exceptions. It “implements” the constitutional right to privacy by specifying the only circumstances in which an operator may share smart household security device data with a law enforcement agency.

This bill adds a new section to be placed within HRS Chapter 481B, a consumer protection statute, and under existing law, violations of Chapter 481B are deemed unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce within the meaning of HRS section 480-2. See HRS 481B-4. Under existing law, the Attorney General, the Director of the Office of Consumer Protection, and any consumer may bring an action for violations of the prohibition on unfair or deceptive acts or practices proscribed by section 480-2. This bill prohibits a “person, including a consumer,” from bringing “a private action to enforce this section or a private action under any other law from a violation of this section.” (Page 3, lines 5-9.) Our understanding of this provision is that only the Attorney General or the Director of the Office of Consumer Protection may bring an action to enforce the prohibition on operator disclosures established by this bill.

Thank you for the opportunity to testify on this bill.

SB-888-HD-1

Submitted on: 3/30/2026 6:02:08 PM

Testimony for JHA on 4/1/2026 2:00:00 PM

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

Comments:

Aloha Chair, Vice Chair, and members of the committee,

I am writing with **comments** on SB888, a bill that establishes critical privacy protections for users of smart household security devices in Hawai‘i. I want to acknowledge that the previous committee made one reasonable modification: adding an emergency exception for kidnapping, abduction, or hostage situations involving imminent threat of death or serious bodily harm. This narrow exception strikes an appropriate balance between privacy and public safety.

However, I must express deep concern about the second substantive change made by the previous committee. Stripping private citizens of the ability to enforce their own privacy rights—and eliminating their ability to seek recourse under any other law for violations—would fundamentally gut this bill and leave Hawai‘i residents without meaningful protection.

The Emergency Exception Is Reasonable—With a Narrow Scope

The amendment allowing data sharing in genuine emergencies—specifically kidnapping, abduction, or hostage situations involving imminent threat of death or serious bodily harm—is a measured and appropriate exception. It recognizes that there are rare circumstances where the urgency of saving a life must take precedence over standard warrant requirements.

As long as this exception is interpreted narrowly and applied only to the most dire situations, it does not undermine the core purpose of the bill. I support this change.

Eliminating Private Enforcement Destroys the Bill's Effectiveness

The second amendment, however, is a dramatic and unacceptable weakening of the bill. By prohibiting any private action to enforce this measure—and, incredibly, prohibiting private action "under any other law resulting from a violation of this measure"—the amendment effectively tells Hawai‘i residents: if a company shares your private data without consent, you have no right to do anything about it.

This is a profound betrayal of consumer protection.

Why Private Enforcement Matters

The amendment leaves enforcement solely in the hands of the Department of the Attorney General and the Office of Consumer Protection. While these agencies play a critical role, they have limited resources and cannot pursue every violation. Private enforcement serves as a necessary backstop, ensuring that:

- **Victims have recourse.** When a company violates your privacy, you should have the right to seek justice—not wait for an overburdened agency to act on your behalf.
- **Companies face real accountability.** The threat of private lawsuits is a powerful deterrent. Without it, companies may view occasional fines from the state as simply a cost of doing business.
- **Privacy rights are meaningful.** A right without a remedy is no right at all. If consumers cannot enforce their own privacy protections, those protections exist only on paper.

The "Unfair or Deceptive Acts or Practices" Provision Is Especially Troubling

The amendment goes even further, barring private action "under any other law resulting from a violation of this measure." This means that even if a company's conduct would otherwise violate Hawai'i's consumer protection laws against unfair or deceptive practices, a victim could not bring a claim.

This provision effectively immunizes violators from the full scope of existing consumer protections—a radical and unwarranted gift to the industry at the expense of Hawai'i residents.

A Balanced Approach

SB888 was designed to strike a careful balance: protecting privacy while respecting public safety, and giving consumers the ability to enforce their own rights. The emergency exception maintains that balance. The elimination of private enforcement destroys it.

I urge this committee to:

1. **Retain the narrow emergency exception** for kidnapping, abduction, and hostage situations, as it is a reasonable safeguard.
2. **Reject the amendment eliminating private enforcement.** Restore the ability of consumers to bring civil actions for violations of their privacy rights, and ensure that violations of this measure can be pursued under existing consumer protection laws.

Hawai'i has an opportunity to be a leader in protecting consumer privacy in the smart home era. But meaningful privacy protections require meaningful enforcement. Without private enforcement, SB888 becomes little more than a suggestion, not a safeguard.

Thank you for the opportunity to testify.

SB-888-HD-1

Submitted on: 3/31/2026 11:57:29 AM

Testimony for JHA on 4/1/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

We need broader data security laws. This is a step in the right direction, but it would be preferable if we had a data bill of rights

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING:

Wednesday, April 1, 2026 at 2:00 pm

Via Videoconference and Conference Room 325

TESTIMONY IN SUPPORT OF SB 888, SD2, HD1 - RELATING TO CONSUMER PROTECTION.

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

My name is Christine Andrews, and I live in Wailuku, Maui. I have been an attorney licensed in Hawaii for over 25 years and I currently volunteer as a Know Your Rights and constitutional protector trainer and educator statewide. I am writing today in **strong support of SB 888, SD2, HD1**, Relating to Consumer Protection, which prohibits operators of smart household security devices from sharing user data with law enforcement agencies unless the user consents, the law enforcement agency obtains a judicial warrant, or there is an emergency situation involving a clear and present danger of imminent death or great bodily harm and prohibits operators from requiring users to consent to share data with law enforcement agencies to use a smart household security device.

The images we have seen on the news and social media of aggressive, untrained, and violent unmasked, unbadged persons attacking citizens and noncitizens alike has eroded trust in law enforcement and our government. In my capacity as a volunteer educator, I have heard concerns that victims of sexual and domestic violence, some of our most vulnerable community members, are now afraid to call local law enforcement for assistance because of concerns related to federal agents potentially detaining people based on their race ethnicity, country of origin, nationality, the way they speak and the work they do. I have heard from health care providers that fear of lawless, violent, unmasked and unidentified persons is making people afraid to leave their homes to seek necessary medical care.

As a lawyer with an understanding of the Constitution and who has taken an oath to uphold it, what I am witnessing nationwide is chilling. Federal agents have murdered people engaged in lawful, constitutionally-protected activity. People like me. I fear extreme surveillance techniques being deployed against me, such as the use of license-plate identifying technology and now this, the federalization of security cameras on private property. This is how far we as a nation have fallen in the direction of authoritarianism that I am afraid of being targeted by government agents that find images of me on a home security camera and find out who I am, where I live, and come to my house and harm not just myself but my loved ones.

As a Know Your Rights educator and someone who trains constitutional observers, I feel that I must share with you my personal perspective on how necessary this bill is. In the scope of my volunteer work as a constitutional observer I may go to a residence to verify a tip of federal agent activity. I do this work driving my own car, and I now fear that my license plate number, car make and model, and my face are all being surveilled or could be surveilled by federal agents. One day, I was helping a woman afraid to go home after federal agents removed her husband from the house and detained him. She was not detained by them, they had let her go, but she was afraid to go home nonetheless. As I was helping her get items for her infant from the home, I was afraid myself that being at the home would subject me to tracking, and that, if I were identified as a constitutional observer, that I then would be tracked, endangering everyone I serve. I was very wary of surrounding homes having security cameras that could then be compelled to be used against me and the community I was helping.

This kind of heightened federal surveillance endangers not only the community I seek to protect, but also myself and my family. People like me engage in mutual aid, bringing food, medicine, and necessary supplies to

families afraid to leave their homes. Absent the protections envisioned by SB 888, SD2, HD1, neighbors could be compelled by federal agents to share security device data with federal agents, unwillingly endangering their neighbors and those who help them. Federal agents could use home security data to track community members and volunteers to interfere with mutual aid networks and violate First Amendment rights in the process. The entire idea that neighbor could be compelled to provide evidence against neighbor makes us all less safe. This is why SB 888, SD2, HD1 is so important to protect all of us.

I, like millions of others, have chosen to stand up for and protect my neighbors and community members. People like me are being killed for it. Yet I am undeterred by the deaths of Renne Goode and Alex Pretti. I am inspired, and millions are standing alongside me. The government agents who killed Alex Pretti and Renee Goode felt empowered to engage in violence openly and with impunity because they felt protected from accountability. It is time to protect our community members and each other from federal overreach that endangers us all. **I request that you support SB 888, SD2, HD1** to protect people like me and the community we serve.

Mahalo,

Christine L. Andrews, J.D.
Wailuku, Maui