



Co

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
KA 'OIHANA PILI KĀLEPA

335 MERCHANT STREET, ROOM 310
P.O. BOX 541
HONOLULU, HAWAII 96809
Phone Number: (808) 586-2850
Fax Number: (808) 586-2856
cca.hawaii.gov

NADINE Y. ANDO
DIRECTOR | KA LUNA HO'OKELE

DEAN I HAZAMA
DEPUTY DIRECTOR | KA HOPE LUNA HO'OKELE

Testimony of the Department of Commerce and Consumer Affairs

Office of Consumer Protection

Before the
Senate Committees on Commerce & Consumer Protection
Tuesday, February 17, 2026
9:20 AM
Via Videoconference

On the following measure:
SB 888, SD1 Relating to Consumer Protection

Chair Keohokalole 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.

The enforcement provision of this bill at page 2, lines 3-5, states that "Violation of any of the provisions of this chapter shall be deemed an unfair practice in trade or commerce under section 480." The bill places exclusive enforcement authority with the Attorney General. However, as the consumer counsel for the State, OCP is statutorily authorized to bring civil actions to enforce consumer protection laws, including Chapter 480, along with the Attorney General. For a law designed to protect consumers from unfair contracts or contracts of adhesion to take away OCP's power and duty to enforce the law would mark a significant and somewhat unusual departure from past practice.

The bill provides remedies for violations at Page 2, lines 10-12. These remedies differ from the remedies available to the Attorney General and OCP in actions for violations of Chapter 480.

At present, we are not aware of any consumer complaints to our office about smart household security devices that require users to consent to data sharing with law enforcement.

Thank you for the opportunity to testify on this bill.



The Judiciary, State of Hawai'i
Ka 'Oihana Ho'okolokolo, Moku'āina 'o Hawai'i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

Senate Committee on Commerce and Consumer Protection

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair

Tuesday, February 17, 2026, 9:20 a.m.
State Capitol, Conference Room 229 & Videoconference

By

Melanie May
Deputy Chief Judge, District Court of the First Circuit

Christopher M. Dunn
Deputy Chief Judge, District Court of the Second Circuit

Michelle K. Laubach
Deputy Chief Judge, District Court of the Third Circuit

Michael K. Soong
Chief Judge, Fifth Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 888, SD1, Relating to Consumer Protection.

Purpose: Prohibits operators of smart household security devices from sharing user data with law enforcement agencies unless the user consents or the law enforcement agency obtains a judicial warrant. Prohibits operators from requiring users to consent to share data with law enforcement agencies to use a smart household security device. Allows the Department of the Attorney General to bring a civil action against operators who violate certain requirements and establishes statutory penalties.



Judiciary's Position:

The Judiciary takes no position on the intent of the proposed legislation and provides the following comment only.

Under existing law, a search warrant may be issued if there is probable cause to believe that recoverable evidence of a crime exists therein. This measure may have the unintended consequence of limiting access to household security devices, even when such devices may contain evidence of crimes other than the illegal possession or use of a household security device. Thus, the Judiciary suggests the following technical amendment for consideration at page 3, lines 2-13:

~~“Judicial warrant” means an order in writing or otherwise pursuant to section 803-33.5 made by a judge or other magistrate, directed to an officer of justice, commanding the officer to search for certain articles supposed to be in the possession of, or anticipated to be in the possession of, one who is charged with having obtained them illegally, or who keeps them illegally, or with the intent of using them as the means of committing a certain offense; provided that a judicial warrant may identify an individual or entity authorized pursuant to section 803-37 to provide technical assistance to the officer. “Judicial warrant” includes or a warrant issued pursuant to Rule 41 of the Federal Rules of Criminal Procedure.~~

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



LATE

MIKE LAMBERT
Director

ERNEST J. ROBELLO
Deputy Director
Administration

SYLVIA LUKE
LT GOVERNOR
KA HOPE KIA'ĀINA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 888, SENATE DRAFT 1
RELATING TO CONSUMER PROTECTION
Before the Senate Committee on
COMMERCE AND CONSUMER PROTECTION
Tuesday, February 17, 2026, 9:20 AM
State Capitol Conference Room 229
WRITTEN TESTIMONY ONLY

Chair Keohokalole, Vice Chair Fukunaga, and members of the Committee:

The Department of Law Enforcement (DLE) offers comments on Senate Bill 888, Senate Draft 1. This measure would prohibit operators of smart household security devices from sharing user data with law enforcement agencies unless the user provides consent or law enforcement obtains a judicial warrant. The bill also prohibits operators from requiring consent to share data with law enforcement as a condition of device use and authorizes the Department of the Attorney General to pursue civil enforcement and statutory penalties for violations.

The DLE respects the importance of safeguarding the privacy rights of Hawai'i's residents. However, the Department is concerned that, as drafted, this measure could significantly hinder legitimate law enforcement investigations and unintentionally compromise public safety.

Smart household security devices increasingly capture critical evidence relevant to serious criminal investigations, including homicides, assaults, burglaries, missing

persons cases, and other offenses. In many situations, timely access to video footage or related data may be essential to identifying suspects, locating victims, or preventing imminent harm. The restrictions proposed in this bill could create additional procedural barriers in time-sensitive circumstances where delays may have serious consequences.

Additionally, the DLE notes that operators of these devices are often contacted during emergencies and may initiate 911 calls on behalf of users who are actively experiencing a crisis. In such situations, the ability of an operator to provide responding law enforcement officers with real-time or near real-time video footage before arriving on scene can be critical. This information may help officers assess immediate threats, determine whether weapons are involved, confirm the presence of victims or suspects, and respond appropriately to protect both the public and first responders. Requiring user consent in these urgent circumstances could prevent law enforcement from obtaining crucial situational awareness prior to arrival, potentially increasing the risk of harm and delaying effective intervention.

The Department notes that existing constitutional protections and long-standing legal standards governing search and seizure already provide robust safeguards to prevent improper access to private information. Law enforcement agencies operate within established frameworks that balance individual privacy interests with public safety responsibilities, including judicial oversight through warrant requirements and recognized exceptions in exigent emergency situations.

Additionally, many reputable smart device companies already maintain policies requiring legal process prior to releasing user data. The DLE is concerned that layering additional statutory restrictions may introduce confusion and delay, even in circumstances where cooperation could be critical to protecting life and ensuring accountability.

For these reasons, the DLE believes this measure does not yet strike an appropriate balance between privacy protections and legitimate law enforcement needs. The Department would welcome the opportunity to work with the Legislature on amendments that preserve privacy while ensuring law enforcement can respond effectively in urgent and lawful investigations.

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

SB-888-SD-1

Submitted on: 2/15/2026 8:08:37 PM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Jessica Redford	Individual	Support	Written Testimony Only

Comments:

Don't let smart household operators share user data!

SB-888-SD-1

Submitted on: 2/14/2026 11:33:55 AM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

Please accept this as testimony in strong support of SB888. It is a very timely bill as the Trump administration and its goons are seeking to trample our rights and invalidate the Constitution, step by step, or many steps at a time.

While the following may not apply to this bill, although i think it is, below are excerpts from the online version of the New York Times on February 14, 2026.

“In recent months, Google, Reddit, Discord and Meta, which owns Facebook and Instagram, have received hundreds of administrative subpoenas from the Department of Homeland Security, according to four government officials and tech employees privy to the requests.

“Google, Meta and Reddit complied with some of the requests, the government officials said. In the subpoenas, the department asked the companies for identifying details of accounts that do not have a real person’s name attached and that have criticized ICE or pointed to the locations of ICE agents.

“The tech companies, which can choose whether or not to provide the information, have said they review government requests before complying. Some of the companies notified the people whom the government had requested data on and gave them 10 to 14 days to fight the subpoena in court.

“In September, for example, it sent Meta administrative subpoenas to identify the people behind Instagram accounts that posted about ICE raids in California, according to the A.C.L.U. The subpoenas were challenged in court, and the Department of Homeland Security withdrew the requests for information before a judge could rule.”

If ICE shows up here to do what it did in Minnesota we are in big trouble. We must employ all the tools that are available to make sure that does not happen.

Please pass this bill now.

Lynne Matusow

SB-888-SD-1

Submitted on: 2/15/2026 8:23:49 PM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Mamiko Carroll	Individual	Support	Written Testimony Only

Comments:

Aloha kākou, this testimony is in SUPPORT of SB 888 SD1. Tech companies should have restrictions and oversight from the judicial system, and be prohibited from sharing user data with law enforcement agencies without a warrant.

SB-888-SD-1

Submitted on: 2/15/2026 9:28:19 PM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Jennifer Lum	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am submitting this testimony in support of

SB888 SD1, which prohibits operators of smart household security devices from sharing user data with law enforcement agencies without a warrant. In a time of heightened surveillance of our neighborhoods, it is very important that tech companies are restricted from unfettered sharing of our data for financial or political gain, with no warrant and oversight from the justice system.

Mahalo,

Jen Lum, 'Ewa Beach

SB-888-SD-1

Submitted on: 2/16/2026 7:32:37 AM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Noelle Lindenmann	Individual	Support	Written Testimony Only

Comments:

Dear Chair, Vice Chair, and members of the Committee -

I am writing in support of SB888. This bill prohibits operators of "smart household" security devices from sharing user data with law enforcement agencies without a warrant. It is very important that tech companies are restricted from unfettered sharing of our data for financial and/or political gain without warrants. This is especially key in times of heightened surveillance of our neighborhoods, as we are in now. We must have oversight from the justice system.

Mahalo for this opportunity to provide testimony.

Noelle Lindenmann, Kailua-Kona

LATE

SB-888-SD-1

Submitted on: 2/16/2026 9:28:59 AM

Testimony for CPN on 2/17/2026 9:20:00 AM

Submitted By	Organization	Testifier Position	Testify
Carol Gaylord	Individual	Support	Written Testimony Only

Comments:

Aloha,

am submitting my testimony in support of SB888 SD1, which prohibits operators of smart household security devices from sharing user data with law enforcement agencies without a warrant. In a time of heightened surveillance of our neighborhoods, it is very important that tech companies are restricted from unfettered sharing of our data for financial or political gain, with no warrant and oversight from the justice system.

Mahalo Nui!

Carol Gaylord

SB-888-SD-1

Submitted on: 2/16/2026 10:09:37 AM

Testimony for CPN on 2/17/2026 9:20:00 AM

LATE

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

Comments:

I am submitting testimony in support of SB 888 SD 1, which prohibits operators of smart household devices from sharing user's data with law enforcement without a warrant. Since the right to privacy in our country has been greatly diminished, it's important that the states use their power to prevent big data from exploiting its users for financial and political gain without oversight. Communities need to be protected, not spied on.