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Testimony of the Department of Commerce and Consumer Affairs

Office of Consumer Protection

Before the
Senate Committees on Judiciary
Tuesday, March 3, 2026
10:15 AM
Via Videoconference

Written Testimony Only

On the following measure:
SB 888, SD2 Relating to Consumer Protection

Chair Rhoads 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.

OCP appreciates the amendments to this bill that were made by the previous committee. Through the amendment to subsection (d), OCP is authorized to enforce by bringing a civil action. In addition, the remedies available have been amended and now are cumulative to remedies provided by any other statute, including, but not limited to HRS § 480-2.

The balance between privacy rights and the needs of law enforcement is delicate. Consumers are rightly concerned with unauthorized access to personal and private

information that may be captured by smart devices within the home. OCP notes that Illinois passed the Protecting Household Privacy Act in 2022. The Illinois law does not prohibit a law enforcement agency from obtaining “household electronic data” when the law enforcement agency first obtains a warrant but also in the following circumstances:

“(2) To respond to a call for emergency services concerning the user or possessor of a household electronic device.

(3) In an emergency situation:

(A) involving a clear and present danger of imminent death or great bodily harm to a person or persons resulting from a kidnapping, abduction, or the holding of a hostage by force or the threat of the imminent use of force;

(B) where there was no previous notice of the emergency to the investigative or law enforcement officer sufficient to obtain prior judicial approval and the officer reasonably believes that an order permitting the obtaining of household electronic data would issue were there prior judicial review;

(C) the household electronic data is necessary and the only potential data available to prevent imminent death or great bodily harm to a person or persons; and

(D) the data must and can be accessed before a warrant could be issued to prevent imminent death or great bodily harm to a person or persons.”

[5 ILCS 855/15](#). Concerning this Illinois law, at present, we are not aware of any reported opinions addressing constitutional challenges or suppression or other evidentiary issues.

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.

SB-888-SD-2

Submitted on: 2/24/2026 5:44:43 PM

Testimony for JDC on 3/3/2026 10:15:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Mahalo.

Letter in Support of SB888

February 27, 2026

To: Senate Committee on Judiciary
Hawaii State Legislature
Hawaii State Capitol
Honolulu, HI 96813

RE: Strong Support for SB888 – Protecting Consumer Privacy in Smart Home Security Devices

Aloha Chair Rhoads, Vice Chair Gabbard, and Honorable Committee Members,

My name is Ryan K Gomes, and I am a resident of Honolulu. I write to you today as a concerned private citizen in strong support of SB888, which prohibits operators of smart household security devices from sharing user data with law enforcement unless the user consents or law enforcement obtains a judicial warrant.

The Privacy Crisis in the Digital Age

Millions of Hawai'i residents have installed smart security devices in their homes—doorbell cameras, security cameras, motion sensors, and connected alarm systems. These devices are meant to protect our families, monitor our property, and provide peace of mind. They are installed inside and outside our homes, capturing video and audio of our most private spaces and daily routines.

However, many residents do not realize that the data from these devices—footage of their children playing in the yard, conversations on their doorsteps, comings and goings from their homes—can be accessed and shared with law enforcement without their knowledge or consent. In some cases, companies have quietly provided this data to police without a warrant, bypassing the constitutional protections that would normally require judicial oversight before the government can search our homes.

This practice undermines the privacy rights that are foundational to our democracy and creates a backdoor surveillance system that operates without transparency or accountability.

Why SB888 is Necessary

SB888 closes this dangerous loophole by establishing a clear rule: operators of smart household security devices may not share user data with law enforcement unless the user explicitly consents or law enforcement obtains a warrant.

This bill protects residents by:

- **Restoring the warrant requirement** for access to data from devices installed in and around private homes, ensuring that the Fourth Amendment's protection against unreasonable searches applies to modern technology just as it does to traditional searches.

- **Empowering users with control over their own data**, making it clear that footage and information from devices they purchased and installed belong to them—not to the device manufacturer or law enforcement.
- **Increasing transparency** about when and how law enforcement can access private data, preventing quiet, informal arrangements between tech companies and police that bypass judicial oversight.
- **Protecting vulnerable communities**, including immigrants, activists, and people of color, who may face disproportionate surveillance and whose privacy is too often treated as less important than that of other residents.

Addressing Concerns About Public Safety

Some may argue that requiring a warrant will slow down investigations or make it harder for police to solve crimes. But the warrant requirement is not a barrier to legitimate law enforcement—it is a safeguard that ensures government power is exercised responsibly and with judicial oversight.

If law enforcement has probable cause to believe that footage from a smart device contains evidence of a crime, obtaining a warrant is a straightforward process that protects both public safety and civil liberties. The vast majority of criminal investigations already operate within this framework, and there is no reason that smart home devices should be exempt.

Moreover, SB888 preserves the ability of users to voluntarily share footage with police if they choose to do so. Residents who want to help with an investigation can still provide their data—this bill simply ensures that the choice belongs to them, not to a corporation.

Strong Points of SB888

- **Privacy protection:** Aligns smart home device data access with traditional Fourth Amendment search-and-seizure protections, ensuring that private spaces remain private unless there is judicial authorization.
- **User control:** Returns control over personal data to the individuals who own the devices and generate the footage, rather than allowing third-party companies to make decisions about data sharing.
- **Legal clarity:** Provides a clear, enforceable rule for device operators and law enforcement agencies, reducing ambiguity and potential legal disputes.
- **Civil liberties safeguard:** Prevents the expansion of warrantless surveillance through private vendors, protecting communities from overreach.

Addressing Potential Weaknesses

While SB888 is strong legislation, it is important to ensure that emergency exceptions are clearly defined for situations involving imminent threats to life or safety. If such exceptions are not already included in the bill, I would encourage the Committee to consider language

that allows for narrow, well-defined emergency access while still requiring after-the-fact judicial review to ensure accountability.

Additionally, the bill should ensure that compliance obligations are clear and reasonable for device operators, particularly smaller companies, to avoid unintended barriers to market participation.

Conclusion

SB888 is a necessary, practical measure that protects the privacy and civil liberties of Hawai'i residents in an era of rapidly expanding digital surveillance. It ensures that government access to our most private spaces requires judicial oversight, just as the Constitution intended.

This bill does not hinder legitimate law enforcement—it simply requires that police follow the same constitutional procedures for accessing smart device data that they would follow for any other search of a private home.

I respectfully urge the Committee to pass SB888.

Mahalo nui for your commitment to protecting the privacy, dignity, and constitutional rights of all Hawai'i residents.

Me ka ha'aha'a,

Ryan K Gomes
Honolulu, Hawaii

COMMITTEE ON JUDICIARY
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair

LATE

HEARING:

Tuesday, March 3, 2026 at 10:15 AM
Conference Room 016 & Videoconference
State Capitol
415 South Beretania Street

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

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

My name is Christine Andrews, and I live in Wailuku, Maui. I am writing today in **support of SB 888, SD2**, Relating to Consumer Protection. 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.

The images we see on the news and social media of aggressive, untrained, and violent unmasked, unbadged persons attacking citizens and noncitizens alike is eroding 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 afraid to call local law enforcement for assistance. 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, 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 is so important to protect 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** to protect people like me and the community we serve.

Mahalo,

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