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LAW CENTER

Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair

Senate Committee on Ways and Means
Honorable Donovan Dela Cruz, Chair
Honorable Sharon Moriwaki, Vice Chair

RE: Testimony with Comments on H.B. 1839 H.D.2 S.D.1, Relating to Immigration
Hearing: April 8, 2026 at 10:15 a.m.

Dear Chairs and Members of the Committees:

My name is Ben Creps. I am a staff attorney at the Public First Law Center, a nonprofit organization that promotes government transparency.

Thank you for the opportunity to submit testimony in support of the intent of H.B. 1839 H.D.2 S.D.1 and offering a **friendly amendment**. This bill addresses, among other things, public access to records relating to a state or local law enforcement agency's provision of access to detained individuals to U.S. Immigration and Customs Enforcement (ICE).

If the Legislature intends to make information about agency communications with ICE more publicly available, this bill *will not do that*. As currently amended, the proposal merely restates existing law. In making requests for the records contemplated here, agencies often withhold everything based on "frustration" and "confidentiality law" concerns. See HRS § 92F-13(3), (4).

If the Legislature intends to enable access to these records, we recommend reverting the language of subsection (f) to its H.D. 2 form, providing that chapter 92F exemptions shall not apply, except for redactions pursuant to section 92F-13(1). This amendment would lower obstacles to public access to the subject records, while ensuring proper protections for legitimate privacy interests.

Thank you again for the opportunity to testify with comments on H.B. 1839 H.D. 2 S.D.1.

