
A BILL FOR AN ACT

RELATING TO CRIMINAL INVESTIGATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 803-44, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§803-44 Application for court order to intercept wire,**
4 **oral, or electronic communications.** The attorney general of
5 this State, or a designated deputy attorney general in the
6 attorney general's absence or incapacity, or the prosecuting
7 attorney of each county, or a designated deputy prosecuting
8 attorney in the prosecuting attorney's absence or incapacity,
9 may make application to a designated judge or any other circuit
10 court judge or district court judge, if a circuit court judge
11 has not been designated by the chief justice of the Hawaii
12 supreme court, or is otherwise unavailable, in the county where
13 the interception is to take place, for an order authorizing or
14 approving the interception of wire, oral, or electronic
15 communications, and such court may grant in conformity with
16 section 803-46 an order authorizing or approving the
17 interception of wire, oral, or electronic communications by
18 investigative or law enforcement officers having responsibility



1 for the investigation of the offense as to which the application
2 is made, if the interception might provide or has provided
3 evidence of:

4 (1) Murder;

5 (2) Kidnapping;

6 (3) Labor trafficking in the first degree;

7 (4) Labor trafficking in the second degree;

8 (5) Felony criminal property damage involving the danger
9 of bodily injury as defined in section 707-700;

10 (6) Distribution of dangerous, harmful, or detrimental
11 drugs; [e]

12 (7) Domestic abuse;

13 (8) Child abuse or neglect; or

14 [~~7~~] (9) Conspiracy to commit one or more of the above; or

15 [~~8~~] (10) Involvement of organized crime and any of the
16 following felony offenses:

17 (A) Extortion;

18 (B) Bribery of a juror, witness, or police officer;

19 (C) Receiving stolen property;

20 (D) Gambling; and

21 (E) Money laundering.

22 For the purposes of this section:



1 "Child abuse or neglect" shall have the same meaning as in
2 section 350-1.

3 "Domestic abuse" means:

4 (1) Physical harm, bodily injury, assault, or the threat
5 of imminent physical harm, bodily injury, or assault,
6 extreme psychological abuse or malicious property
7 damage between family or household members; or

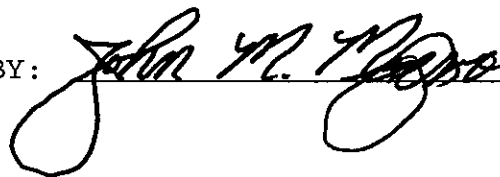
8 (2) Any act which would constitute an offense under
9 section 709-906, or under part V or VI of chapter 707
10 between family or household members.

11 "Family or household member" shall have the same meaning as
12 in section 586-1."

13 SECTION 2. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

16 INTRODUCED BY:



JAN 25 2012



H.B. NO. 2847

Report Title:

Child Abuse; Domestic Abuse; Electronic Eavesdropping; Warrant

Description:

Adds domestic and child abuse to the types of crimes for which investigative or law enforcement officers may obtain a court order authorizing or approving the interception of wire, oral, or electronic communications. Defines "child abuse", "domestic abuse", and "family or household members".

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

