Honolulu, Hawaii
Pehram 27, 2014

RE: H.B. No. 1641

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1641 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS,"

begs leave to report as follows:

The purpose of this measure is to strengthen the privacy rights of Hawaii residents by:

- (1) Providing that a governmental entity can require the disclosure by a provider of electronic communication service or a provider of remote computing services of the contents of an electronic communication pursuant to a search warrant only; and
- (2) Specifying that a provider of electronic communication service or remote computing service is required to disclose a record or other information pertaining to a subscriber to, or customer of, the service -- other than the contents of an electronic communication -- to a governmental entity when presented with a court order that seeks the disclosure of transactional records, other than real-time transactional records.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the

County of Kauai, and Department of the Prosecuting Attorney of the County of Maui supported this bill. AT&T submitted comments.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1641 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS. Chair

State of Hawa House of Represent. The Twenty-seventh Legislature

HSCR 631-14

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1641	Committe	e Referral:	D	02/25/	114
☐ The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members		Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)					
2. HAR, Sharon E. (VC)					
3. BELATTI, Della Au					
4. BROWER, Tom	Manual Acades Server 1985		No. 100 April 10	Santa and Asserting Asserting and Asserting	
5. CREAGAN, Richard					
6. ITO, Ken			Saucinos combinaciones aria de una	100 Miles (100 Miles (
7. KAWAKAMI, Derek S.K.	7424				
8. LEE, Chris					5.8955 Mass - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -
9. NAKASHIMA, Mark M.					
10. TSUJI, Clift 11. WOOLEY, Jessica					
12. MCDERMOTT, Bob					
13. THIELEN, Cynthia					
ors, ittibbeto, cynema					
TOTAL (13)		9			4
The recommendation is: Adopted Not Adopted					
If joint referral, did not support recommendation.					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					