

STAND. COM. REP. NO.

549

Honolulu, Hawaii

February 20, 2015

RE: H.B. No. 529  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 529 entitled:

"A BILL FOR AN ACT RELATING TO ARREST BOOKING PHOTOGRAPHS,"

begs leave to report as follows:

The purpose of this measure is to establish provisions regarding arrest booking photographs for criminal cases resulting in no conviction that:

- (1) Prohibits commercial websites from collecting a fee for removing arrest booking photographs from the website; and
- (2) Prohibits criminal justice agencies from posting arrest booking photographs on a website except as provided by law.

The Community Alliance on Prisons and several individuals testified in support of this measure. The League of Women Voters of Hawaii testified in support of the intent of this measure. The American Civil Liberties Union of Hawaii testified in opposition to this measure.

Your Committee has amended this measure by changing its effective date to July 1, 2012, to encourage further discussion.

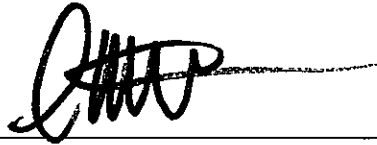
HB529 HD1 HSCR CPC HMS 2015-2124



Your Committee received testimony from the American Civil Liberties Union of Hawaii regarding the unconstitutionality of using state action to punish the publication of truthful information. Your Committee respectfully requests that your Committee on Judiciary further examine this issue in connection with *Smith v. Daily Mail Publishing Co.*, 443 U.S. 97, 102 (1979).

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 529, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 529, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



