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# A BILL FOR AN ACT

RELATING TO SEARCH WARRANTS.

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

1           SECTION 1. Chapter 803, part IV, Hawaii Revised Statutes,  
2 is amended by adding a new section to be appropriately  
3 designated and to read as follows:

4           "§803-       Location information privacy; civil penalty. (a)

5 Except as provided in subsection (b), a government entity may  
6 not obtain the real-time location information of an electronic  
7 device without a search warrant or court order issued by a duly  
8 authorized court.

9           (b) A government entity may obtain real-time location  
10 information of an electronic device without a search warrant or  
11 court order, if it is able to do so without obtaining such  
12 information from an internet service provider or the  
13 manufacturer of the device, under any of the following  
14 circumstances:

15           (1) The device is reported stolen by the owner;

16           (2) In order to respond to the user's call for emergency  
17 services;



1       (3) With the informed, affirmative consent of the owner or  
2       user of the electronic device; or

3       (4) An urgent situation poses a threat to life,  
4       necessitates immediate location of the device, and  
5       there is insufficient time to obtain a search warrant  
6       or court order.

7       (c) Any evidence obtained in violation of this section is  
8       not admissible in a civil, criminal, or administrative  
9       proceeding and may not be used in an affidavit of probable cause  
10      in an effort to obtain a search warrant.

11      (d) A violation of this section shall result in a civil  
12      fine not to exceed \$50.

13      (e) As used in this section, the following terms shall  
14      mean as follows:

15      "Electronic device" means a device that enables access to,  
16      or use of:

17      (1) An electronic communication service, which is a  
18      service that provides to users of the service the  
19      ability to send or receive wire or electronic  
20      communications;



1       (2) A remote computing service, which is a service that  
2       provides computer storage or processing services by  
3       means of an electronic communications system; or

4       (3) A location information service, which is a service  
5       that provides global positioning service or other  
6       mapping, locational, or directional information  
7       service.

8       "Government entity" means a state or local agency,  
9       including a law enforcement entity or any other investigative  
10      entity, agency, department, division, bureau, board, or  
11      commission or an individual acting or purporting to act for or  
12      on behalf of a state or local agency.

13      "Real-time location information" means information  
14      identifying the location of the electronic device at the time  
15      that the location is being sought."

16      SECTION 2. This Act does not affect rights and duties that  
17      matured, penalties that were incurred, and proceedings that were  
18      begun before its effective date.

19      SECTION 3. New statutory material is underscored.

20      SECTION 4. This Act shall take effect upon its approval.



**Report Title:**

Search Warrants; Electronic Device

**Description:**

Requires government entities to obtain a search warrant in order to obtain the real-time location information of an electronic device, except for certain circumstances. (HB2079 HD1)

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

