STAND. COM. REP. NO. -16

Honolulu, Hawaii **Febrony 19**, 2016 RE: H.B. No. 1659

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1659 entitled:

"A BILL FOR AN ACT RELATING TO SEARCH WARRANTS, "

begs leave to report as follows:

The purpose of this measure is to expand state search warrant laws by authorizing:

- Persons or entities designated by the court to assist law enforcement officers to carry out search warrants; and
- (2) Law enforcement officers to obtain technical assistance if the search warrant granted pertains to electronic devices or storage media.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Honolulu Police Department testified in support of this measure. An individual testified in opposition to this measure. The Judiciary provided comments.

Your Committee understands that privacy concerns are inherent in any discussion of or amendment to state search warrant laws. Accordingly, your Committee expects that a law enforcement officer will always be named or described in a search warrant including situations when they need technical assistance to execute a search warrant. Thus, the persons or entities that are needed to provide technical assistance will always be acting pursuant to the

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direction of the law enforcement officer who is named or described in the search warrant, and not independently.

Your Committee hopes that this measure will help to address the current scarcity of law enforcement officers in the State who are qualified to conduct searches on computers, servers, mainframes, and other electronic or storage devices. This problem was noted in testimony received during the public hearing.

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. 1659 and recommends that it pass Second Reading and be referred to your Committee on Finance.

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

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KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature

HSCR 648-16

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral: JUD . FI	Date:	02/11/11	ρ
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Image: Pass, unamended (as is) Image: Pass, with amendments (HD) Image: Hold Image: 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. SAN BUENAVENTURA, Joy A. (VC)			
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard P.				
6. HASHEM, Mark J.				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris				
9. MORIKAWA, Dee				
10. NAKASHIMA, Mark M.		_		
11. TAKAYAMA, Gregg				
12. WOODSON, Justin H.				
13. McDERMOTT, Bob				
14. THIELEN, Cynthia				
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 TOTAL (14)				2
The recommendation is: Adopted I Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Dyplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				