

Honolulu, Hawaii , 2016 April 8

RE: S.B. No. 2107

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 S.B. No. 2107 entitled:

"A BILL FOR AN ACT RELATING TO PEN REGISTERS,"

begs leave to report as follows:

The purpose of this measure is to update the electronic eavesdropping law to:

- (1)Amend the definition of "pen register" as a device that can track numbers transmitted by devices connected to a cellular network or other electronic communications service:
- (2)Clarify that a court order must specify information related to the cellular telephone or electronic device or service to which the pen register or trap and trace device (collectively referred to as "tracking device") is to be connected; and
- (3) Clarify that a court order authorizing the installation and use of a tracking device must prohibit the disclosure of the existence of the tracking device to which the telephone line, cellular telephone, or electronic device or service is attached, unless ordered by the court.

The Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department supported this measure.



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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 S.B. No. 2107 and recommends that it pass Third Reading.

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

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date	04/0	1/16
The committee is reconsidering its prev	vious decision on the measure.			
	unamended (as is)	ss, with amendments mmit for future publi	• •	
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				140-
10. NAKASHIMA, Mark M.				
11. TAKAYAMA, Gregg				
12. WOODSON, Justin H.	_ /			
13. McDERMOTT, Bob				
14. THIELEN, Cynthia				
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TOTAL (14)	10			Į Į
	referral, committee acronym	did not suppo	ort recommendatio	n.
Vice Chair's or designee's signature:	NAG	3-		
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