STAND. COM. REP. NO. 2388

Honolulu, Hawaii

FEB 1 9 2016

RE: S.B. No. 2107

Honorable Ronald D. Kouchi President of the Senate Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Economic Development, Environment, and Technology, to which was referred S.B. No. 2107 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to amend the definition of "pen register" as used in electronic eavesdropping laws to include cell phones and other communications devices among those that the numbers transmitted to and from may be recorded.

Your Committees received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kauai; and Police Department, City and County of Honolulu.

Your Committees find that the existing definition of "pen register" uses dated references to devices attached to telephone lines or impulses transmitted through telephone lines. While telephone lines are still used, a far greater number of cellular devices are being used. This measure makes the definition technology neutral by updating the definition to include devices that do not use a landline but still make phone calls, such as cellular telephones, and electronic devices that make phone calls via the Internet or software applications, such as Skype, Google Voice, and iCall.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Economic Development,

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Environment, and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2107 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Judiciary and Labor and Economic Development, Environment, and Technology,

GLENN WAKAI) Cha

## The Senate Twenty-Eighth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:			Date: ,				
SB 2107	JDL/EET			2/9/16				
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
KEITH-AGARAN, Gilbert S.C. (C)								
SHIMABUKURO, Maile S.L. (VC)								
GABBARD, Mike								
		www	<i>λ</i>					
KIM, Donna Mercado					y M			
THIELEN, Laura H.					v			
SLOM, Sam								
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TOTAL					2			
Recommendation:  Adopted Not Adopted								
Chair's or Designee's Signature:								
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy								

\*Only one measure per Record of Votes

## The Senate Twenty-Eighth Legislature State of Hawai'i

## Record of Votes Committee on Economic Development, Environment, and Technology EET

Bill / Resolution No.:*	Committee	Referral:	Da					
802107	JDL/	JDL/EET 2			16			
The Committee is reconsidering its previous decision on this measure.								
If so, then the previous decision was to:								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
WAKAI, Glenn (C)		Χ						
SLOM, Sam (VC)		Х		-100				
BAKER, Rosalyn H.		χ						
ESPERO, Will		·			X			
GALUTERIA, Brickwood		X						
IHARA, Jr., Les		Χ						
KEITH-AGARAN, Gilbert S.	C.	,			X			
RUDERMAN, Russell E.		X						
THIELEN, Laura H.		<u> </u>						
		·						
		<b></b>						
				14				
TOTAL		7	D	O	2			
Recommendation:  Adopted  Not Adopted								
Chair's or Designee's Signature:								
<b>Distribution:</b> Original File with Committee		ellow 's Office	Pink Drafting Agency		denrod ee File Copy_			

\*Only one measure per Record of Votes