STAND. COM. REP. NO. 33-16

Honolulu, Hawaii Narch 24, , 2016

RE: S.B. No. 2439 S.D. 1

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

Sir:

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Your Committee on Judiciary, to which was referred S.B. No. 2439, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to establish exceptions to the offense of obstructing government operations and the offense of violation of privacy in the second degree to include a person making a video or audio recording or taking a photograph of a law enforcement officer in the performance of the officer's duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect public safety and order.

Your Committee notes that at present, United States Supreme Court decisions do not clearly affirm a constitutional right to record police conduct in public places. Recent events have shown that such a right needs to be protected.

The American Civil Liberties Union of Hawaii, Americans for Democratic Action, Progressive Democrats of Hawaii, and numerous individuals testified in support of this measure. An individual opposed 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. 2439, S.D. 1, 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,

KARL RHOADS, Chair



## State of Hawaii House of Representatives The Twenty-eighth Legislature



## Record of Votes of the Committee on Judiciary

	ee Referral: D, FIN	Date:	03/22	2/16
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
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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				1
TOTAL (14)	H	0	0	3
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 Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				