



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the Senate Committee on Judiciary and Labor**

March 18, 2016, 10:00 a.m.

H.B. No. 2079, HD1: RELATING TO SEARCH WARRANTS

Chair Keith-Agaran and Members of the Committee:

This measure would require a government entity to obtain a search warrant or court order prior to obtaining real-time location information of an electronic device. This measure also establishes specific instances or exceptions to a search warrant or court order requirement.

Testimony previously submitted by the attorney general and prosecutor's office makes the argument that this bill is unnecessary because it is already codified in §803-47.6 (d) and (e) of the Hawaii Revised Statutes. §803-47.6 (d) and (e) pertains to a government entity seeking a record or other information pertaining to a subscriber or customer of an electronic communication service. This measure pertains specifically to real-time location information. It involves the importance that this Legislature places on its citizens' right to privacy.

The Office of the Public Defender supports H.B. NO. 2079, HD1. Thank you for the opportunity to provide testimony on this measure.