

STAND. COM. REP. NO. 2109

Honolulu, Hawaii

JAN 31 2024

RE: S.B. No. 2236  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2236 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require law enforcement to post notice that a search has been conducted on a property if a resident was not present at the time of the search and secure the entrances used by officers upon completion of the search.

Your Committee received testimony in support of this measure from the Office of the Public Defender and ACLU of Hawai'i.

Your Committee received comments on this measure from the Department of Law Enforcement.

Your Committee finds that the Hawaii State Constitution guarantees a more enhanced and robust right to privacy and right to be free from unreasonable searches and seizures than the United States Constitution. Your Committee further finds that there is a lack of safety and transparency regarding property searches, as officers are currently not required to secure entrances used or provide notice that a search has been conducted if the resident is absent during the search. In accordance with those rights provided in the Hawaii State Constitution, this measure will



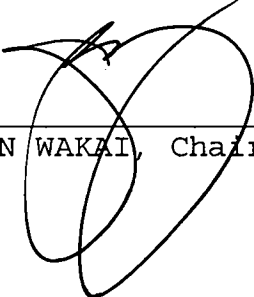
strengthen the right to privacy by increasing transparency and security throughout the search process.

Your Committee has amended this measure by:

- (1) Clarifying that the notice requirement applies to warranted and warrantless searches;
- (2) Requiring the notice to include the report number;
- (3) Deleting the requirement that the officers involved be named in the notice; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2236, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2236, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety and  
Intergovernmental and Military  
Affairs,

  
\_\_\_\_\_  
GLENN WAKAI, Chair



The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety and Intergovernmental and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB2236</b>	Committee Referral: <b>PSM, JPC</b>	Date: <b>01/26/2024</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
FUKUNAGA, Carol				✓
RHOADS, Karl	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> 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**