

STAND. COM. REP. NO. 1015

Honolulu, Hawaii

FEB 28 2025

RE: S.B. No. 601
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 601 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:

- (1) Require law enforcement to post notice that a warranted or warrantless search has been conducted on a property; and
- (2) Require a law enforcement officer to secure any entrance used by an officer in the search.

Your Committee received testimony in support of this measure from the Honolulu Police Department and two individuals.

Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that the Fourth Amendment of the United States Constitution grants the constitutional right to live free of unreasonable searches and seizures. Similarly, the Hawaii State Constitution affords individuals the right to be free from unreasonable searches and seizures and explicitly protects the right to privacy. Your Committee believes that, given the highly



intrusive nature of searches in houses, stores, and buildings, at minimum, law enforcement should be required to post a notice that a search has occurred, and to secure the premises to prevent trespass, theft, and further invasions of privacy. This measure will support constitutional rights, provide further transparency into government operations, and build trust between law enforcement and the community.

Your Committee notes that after a property has been searched, existing law does not require law enforcement agencies to properly secure the entrances of the property. Your Committee also notes that requiring law enforcement agencies to only break certain entrances and spaces when searching a property when other options are not reasonably available will prevent unnecessary property damage during the search.

Accordingly, your Committee has amended this measure by:

- (1) Transferring language establishing the notice requirement for warrantless searches in this measure to a new section in the Hawaii Revised Statutes;
- (2) Requiring that the breaking of certain entrances and spaces during a warranted search be allowed when reasonable and other means of entering the space are not reasonable;
- (3) Requiring law enforcement agencies to develop a policy for securing the entrances to a property that has been searched; 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 Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 601, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 601, S.D. 1.



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

Karl Rhoads

KARL RHOADS, Chair



