

Honolulu, Hawaii

April 7, 2006

RE: S.B. No. 965  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Finance, to which was referred S.B. No. 965, S.D. 2, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE,"

begs leave to report as follows:

The purpose of this bill is to amend Hawaii's wiretap law by, among other things:

- (1) Deleting the requirement that an applicant for an intercept order appear at an in camera adversary hearing on the application and that the judge appoint independent counsel to oppose the application;
- (2) Establishing a surveillance review unit (unit) in the Department of the Attorney General (AG) to review all applications for interception of wire, oral, or electronic communications;
- (3) Requiring that a written memorandum from the unit deputy AG accompany each application for an intercept order, with a recommendation to approve or disapprove the application;
- (4) Protecting applications and orders from disclosure absent a showing of good cause;




- (5) Making it a class C felony for any person to intentionally disclose the contents of any intercepted communication;
- (6) Allowing the AG to seek an injunction against any illegal interception of communication; and
- (7) Requiring annual reports to the Legislature concerning pen register orders and orders for trap and trace devices.

The AG, City and County of Honolulu Department of the Prosecuting Attorney, County of Maui Department of the Prosecuting Attorney, County of Kauai Office of the Prosecuting Attorney, Kuliouou/Kalani Iki Neighborhood Board #2, and a concerned individual testified in support of this bill. The County of Hawaii Office of the Prosecuting Attorney supported the intent of this measure. The American Civil Liberties Union of Hawaii and a concerned individual opposed this bill.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 965, S.D. 2, H.D. 1, and recommends that it pass Third Reading.

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

  
\_\_\_\_\_  
DWIGHT TAKAMINE, Chair



State of Hawaii  
House of Representatives  
The Twenty-third Legislature

*HSR 1621*

**Record of Votes of the Committee on Finance**

<b>Bill/Resolution No.:</b> SB 965, SD2, HD1	<b>Date:</b> <span style="font-size: 1.5em; font-family: cursive;">4.4.06</span>			
<b>Committee Referral:</b> JUD, FIN	<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.			
<b>The recommendation is to:</b> <input checked="" type="checkbox"/> Pass, unamended <input type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommittal for further consideration				
<b>FIN Members</b>	<b>Ayes</b>	<b>Ayes (WR)</b>	<b>Nays</b>	<b>Excused</b>
1. TAKAMINE, Dwight Y. (C)	✓			
2. KAWAKAMI, Bertha C. (VC)	✓			
3. CARROLL, Mele				✓
4. CHONG, Pono	✓			
5. EVANS, Cindy		✓		
6. LEE, Marilyn B.	✓			
7. MAGAOAY, Michael Y.	✓			
8. NAKASONE, Bob	✓			
9. NISHIMOTO, Scott Y.	✓			
10. TANAKA, Kameo				✓
11. TSUJI, Clift	✓			
12. WAKAI, Glenn	✓			
13. YAMANE, Ryan I.	✓			
14. YAMASHITA, Kyle T.	✓			
15. MEYER, Colleen Rose				✓
16. MOSES, Mark S.	✓			
17. PINE, Kymberly	✓			
18. STEVENS, Anne V.	✓			
<b>TOTAL</b>	<span style="font-size: 1.5em;">14</span>	<span style="font-size: 1.5em;">1</span>		<span style="font-size: 1.5em;">3</span>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b> <div style="text-align: center; font-family: cursive; font-size: 1.5em; margin-top: 10px;">                     Bertha C. Kawakami                 </div>				
<b>Distribution:</b> Original (White) – Committee                 Duplicate (Yellow) – HMSO                 Duplicate (Pink) – Clerk's Office				