
A BILL FOR AN ACT

RELATING TO RECORDKEEPING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that rapid advances in
2 electronic communications technologies, such as cellular
3 telephones and computers connected to the internet, have
4 resulted in the proliferation of crimes committed using such
5 technologies. Victims do not always discover immediately that a
6 crime has been committed against them. Therefore, the
7 legislature finds that requiring electronic communication
8 service providers to retain certain types of records will
9 greatly assist law enforcement in the prosecution of such
10 crimes. The legislature further finds that most states and the
11 federal government recommend that two years' worth of records
12 should be kept.

13 SECTION 2. Title 26, Hawaii Revised Statutes, is amended
14 by adding a new chapter to be appropriately designated and to
15 read as follows:

16 **"CHAPTER . ELECTRONIC COMMUNICATION SERVICE PROVIDERS**

17 **§ -1 Definitions.** For the purpose of this chapter:



1 "Domain name" means a case-insensitive alphabetical or
2 alphanumeric sequence used to define the location of a website
3 and used as a pointer to internet protocol addresses.

4 "Electronic communication" means communication that is
5 facilitated by any wired or wireless technology via the Internet
6 or any other electronic media, including but not limited to
7 communication by telephone, text messaging, electronic mail,
8 instant messaging, video conferencing, and web camera.

9 "Electronic communication service provider" means any
10 person, business, or entity that provides subscribers and other
11 users with the ability to connect to electronic communication
12 for a fee, or to such classes of users as to be effectively
13 available to the public, regardless of the facilities used.

14 "Host name" means a label that is assigned to a device
15 connected to a computer network and that is used to identify the
16 device in various forms of electronic communication such as the
17 internet or electronic mail.

18 "Internet" means the global information system that is
19 logically linked together by a globally unique address space
20 based on the internet protocol (IP), or its subsequent
21 extension; and that is able to support communications using the
22 transmission control protocol/internet protocol (TCP/IP) suite,



1 or its subsequent extension, or other IP-compatible protocols;
2 and that provides, uses, or makes accessible, either publicly or
3 privately, information to users.

4 "Internet protocol address" means a numerical label
5 assigned to each device participating in a computer network that
6 uses the internet protocol (IP) for communication and provides
7 host or network interface identification and location
8 addressing.

9 **§ -2 Retention of certain records.** (a) Any electronic
10 communication service provider that provides services in the
11 State shall retain for a period of at least two years the
12 following records:

13 (1) Information on the subscriber or user's:

14 (A) Name;

15 (B) Address;

16 (C) Local and long distance telephone connection
17 records, or records of session times and durations;

18 (D) Length of service (including start date) and types
19 of service utilized;

20 (E) Telephone or instrument number or other subscriber
21 number or identity, including any temporarily assigned network
22 address; and



1 (F) Means and source of payment for such service
2 (including any credit card or bank account number).

3 (2) A log of the temporarily assigned network addresses the
4 provider assigns to a subscriber to or user of such service that
5 enables the identification of the corresponding subscriber or
6 user information under subsection (a)(1) of this section; and

7 (3) A log of the subscriber or user's internet destination
8 history information, including:

9 (A) Internet protocol address;

10 (B) Domain name; and

11 (C) Host name.

12 **§ -3 Disclosure of records pursuant to subpoena. (a)**

13 Any electronic communication service provider that provides
14 services in the State shall disclose the above records to a
15 governmental entity, when the governmental entity makes a
16 request for such records pursuant to a valid subpoena, warrant,
17 or order issued by a Federal or State court.

18 (b) Access to any record required to be retained under
19 subsection (2) of this section shall not be compelled by any
20 person or other entity that is not a governmental entity."

21 SECTION 3. This Act shall take effect on January 1, 2013.

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H.B. NO. 2207

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Report Title:

Recordkeeping; Electronic communication service providers

Description:

Requires electronic communication service providers to retain subscriber/user records and internet destination history information for at least 2 years.

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