STAND. COM. REP. NO. Lod -12

Honolulu, Hawaii Maal , 2012

RE: H.B. No. 1776 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1776 entitled:

"A BILL FOR AN ACT RELATING TO COMMUNICATION SERVICE PROVIDERS,"

begs leave to report as follows:

The purpose of this measure is to allow governmental entities to access electronic communications from a communication service provider when an emergency involving danger of death or serious physical injury to a subscriber exists.

The Department of the Prosecuting Attorney of the City and County of Honolulu and Citizens Against Crooked Politicians provided testimony in support of this measure. The American Civil Liberties Union testified in opposition to this measure.

Your Committee has amended this measure by:

- Inserting language requiring certification of the emergency by the governmental entity;
- (2) Changing the effective date to January 7, 2059, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.



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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 H.B. No. 1776, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1776, H.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT KEITH-AGARAN, Chair



HSCR674-M

State of Hawaii House of Representatives The Twenty-sixth Legislature

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: HB 1776	Committee Referral: JUD Date: 2/7/12			
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:       Pass, unamended (as is)       Pass, with amendments (HD)       Hold         Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (	(C)			
2. RHOADS, Karl (VC)	~			
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				
5. CARROLL, Mele	~			
6. COFFMAN, Denny				
7. HERKES, Robert N.				
8. ITO, Ken	~			
9. LUKE, Sylvia	· ·		ri ta muan	
10. McKELVEY, Angus L.K.				
11. SOUKI, Joseph M.				
12. TSUJI, Clift	-			
13. FONTAINE, George R.	-			
14. MARUMOTO, Barbara C.	/			
15. THIELEN, Cynthia	· ·			
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TOTAL (15)	12	0	0	3
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature: Kal Abooh				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				