

JAN 18 2013

# A BILL FOR AN ACT

RELATING TO THE USE OF BODY IMAGING SCANNERS AT AIRPORTS.

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

1 SECTION 1. Chapter 261, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§261- Prohibition of the use of body imaging scanners  
5 to screen passengers and airline crew members. (a) The use of  
6 body imaging scanning equipment in an airport operated in the  
7 State to screen passengers and airline crew members is  
8 prohibited.

9 (b) Any person who operates body imaging scanning  
10 equipment either in direct contact with a passenger, pilot, or  
11 crew member, or remotely views images from the equipment, shall  
12 be liable for a civil penalty of \$1,000 for each occurrence.  
13 The circuit court shall have jurisdiction over proceedings to  
14 enforce and collect any penalty imposed because of a violation  
15 of this section. Enforcement of this section shall be by legal  
16 action initiated by the attorney general or other law  
17 enforcement agency that has jurisdiction. The penalty recovered  
18 shall be deposited into the general fund.



1        (c) No local, State, or federal government employee shall  
 2 have immunity from any civil liability resulting from the  
 3 operation of such body imaging scanning equipment even if the  
 4 violation occurred while acting within the scope of employment.

5        (d) As used in this section, "body imaging scanning  
 6 equipment," which is also known as an advanced imaging  
 7 technology unit, is equipment that uses either backscatter  
 8 technology, millimeter wave technology, or any other technology  
 9 that produces an image with an equal or increased level of  
 10 anatomical detail of the image created by the backscatter and  
 11 millimeter wave technologies."

12        SECTION 2. New statutory material is underscored.

13        SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

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# S.B. NO. 776

**Report Title:**

Airport Security

**Description:**

Prohibits the use of body imaging scanning equipment in airports.

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