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# A BILL FOR AN ACT

RELATING TO PEN REGISTERS.

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

1           SECTION 1. Section 803-41, Hawaii Revised Statutes, is  
2 amended by amending the definition of "pen register" to read as  
3 follows:

4           ""Pen register" means a device that records or decodes  
5 electronic or other impulses that identify the numbers dialed or  
6 otherwise transmitted on the telephone line or cellular network  
7 to which [~~sueh~~] the device is [~~attached,~~] connected, or that  
8 identifies the numbers that a device uses to connect to a wire  
9 or electronic communications service, but the term does not  
10 include any device used by a provider or customer of a wire or  
11 electronic communication service for billing, or recording as an  
12 incident to billing, for communication services provided by the  
13 provider or any device used by a provider or customer of a wire  
14 communication service for cost accounting or other similar  
15 purposes in the ordinary course of its business."

16           SECTION 2. Section 803-44.6, Hawaii Revised Statutes, is  
17 amended as follows:

18           1. By amending subsection (b) to read:



1           "(b) If the designated judge is so satisfied, the order  
2 issued shall specify:

3           (1) The identity, if known, of the person to whom is  
4 leased or in whose name is listed the telephone line,  
5 cellular telephone, or electronic device or service to  
6 which the pen register or trap and trace device is to  
7 be attached;

8           (2) The identity, if known, of the person who is the  
9 subject of the criminal investigation;

10          (3) The number and, if known, the physical location of the  
11 telephone line, cellular telephone, or electronic  
12 device or service to which the pen register or the  
13 trap and trace device is to be attached, and, in the  
14 case of a trap and trace device, the geographical  
15 limits of the trap and trace order;

16          (4) A statement of the offense to which the information  
17 likely to be obtained by the pen register or trap and  
18 trace device relates; and

19          (5) Upon the request of the applicant, the information,  
20 facilities, and technical assistance necessary to  
21 accomplish the installation of the pen register or  
22 trap and trace device that the provider of wire



1 communication service is directed to furnish to the  
2 applicant."

3 2. By amending subsection (d) to read:

4 "(d) An order authorizing the installation and use of a  
5 pen register or a trap and trace device shall direct that:

6 (1) The order be sealed until otherwise ordered by the  
7 court; and

8 (2) The person owning or leasing the [~~line~~] telephone  
9 line, cellular telephone, or electronic device or  
10 service to which the pen register or trap and trace  
11 device is attached, or who has been ordered by the  
12 court to provide assistance to the applicant, not  
13 disclose the existence of the pen register or trap and  
14 trace device or the existence of the investigation to  
15 the listed subscriber or to any other person, unless  
16 otherwise ordered by the court."

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:   
BY REQUEST  
JAN 13 2014

# H.B. NO. 1043

**Report Title:**

Honolulu Prosecutor's Package; Pen Register

**Description:**

Amends the definition of "pen register" to include cell phones and other communication devices among those that the numbers transmitted to and from may be recorded.

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