

Honolulu, Hawaii
April 24, 2014

RE: H.B. No. 1641
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1641, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to strengthen the privacy rights of Hawaii residents by:

- (1) Providing that a governmental entity can require a provider of electronic communication service or a provider of remote computing services to disclose the contents of an electronic communication pursuant only to a search warrant;
- (2) Specifying that a provider of electronic communication service or remote computing services is required to disclose a record or other information pertaining to a



subscriber to, or customer of, the service, other than the contents of an electronic communication, to a governmental entity only when presented with a court order that seeks the disclosure of transactional records, other than real-time transactional records; and

- (3) Specifying that a governmental entity must demonstrate probable cause to obtain a court order for the disclosure of transactional records.

Your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1641, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1641, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE


ON THE PART OF THE HOUSE



GLENN WAKAI, Chair



KARL RHOADS, Chair



CLAYTON HEE, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 16-14

Bill / Concurrent Resolution No.: HB 1641, SD 1	Date/Time: 4/17/14 / 3:08 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
WAKAI, Glenn, Chr.	X				RHOADS, Karl, Chr.	X			
HEE, Clayton, Co-Chr.	X				HAR, Sharon E.				X
IHARA, Les, Jr.	X				NAKASHIMA, Mark M.	X			
SHIMABUKURO, Maile S.L.				X	THIELEN, Cynthia	X			
SLOM, Sam	X								
TOTAL	4	0	0	1	TOTAL	3	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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Distribution:

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