

Honolulu, Hawaii

February 27, 2014

RE: H.B. No. 1641

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1641 entitled:

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

begs leave to report as follows:

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

- (1) Providing that a governmental entity can require the disclosure by a provider of electronic communication service or a provider of remote computing services of the contents of an electronic communication pursuant to a search warrant only; and
- (2) Specifying that a provider of electronic communication service or remote computing service 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 when presented with a court order that seeks the disclosure of transactional records, other than real-time transactional records.

The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the



County of Kauai, and Department of the Prosecuting Attorney of the County of Maui supported this bill. AT&T submitted comments.

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. 1641 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



