

STAND. COM. REP. NO.

2694

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2097

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

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2097 entitled:

"A BILL FOR AN ACT RELATING TO PEN REGISTERS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the  
definition of "pen register" to include devices that record or  
decode impulses that identify the numbers dialed or transmitted  
through cell phones and other communication devices.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney, City and County  
of Honolulu; and Department of the Prosecuting Attorney, County of  
Maui.

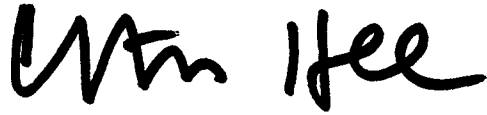
Your Committee finds that the current definition of "pen  
register", as defined in section 803-41, Hawaii Revised Statutes,  
was adopted in the 1980s and still refers to numbers dialed on a  
landline. This measure makes the definition of "pen register"  
technology neutral and more applicable to current forms of  
communication, without changing any standards or burdens of proof  
that law enforcement must satisfy to obtain an order to use pen  
registers.

As affirmed by the record of votes of the members of your  
Committee on Judiciary and Labor that is attached to this report,  
your Committee is in accord with the intent and purpose of S.B.  
No. 2097 and recommends that it pass Third Reading.

2014-1603 SSCR SMA.doc



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



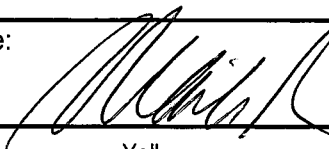
---

CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

|  |                     |          |     |         |
|--|---------------------|----------|-----|---------|
| Bill / Resolution No.:*  | Committee Referral: | Date:    |     |         |
| SB 2097  | TEC, JDL            | 2/26/14  |     |         |
| <input type="checkbox"/> The committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____                                      |                     |          |     |         |
| The Recommendation is:   |                     |          |     |         |
| <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |                     |          |     |         |
| Members  | Aye                 | Aye (WR) | Nay | Excused |
| HEE, Clayton (C)   | ✓                   |          |     |         |
| SHIMABUKURO, Maile S.L. (VC)   | ✓                   |          |     |         |
| GABBARD, Mike  | ✓                   |          |     |         |
| GALUTERIA, Brickwood   |                     |          |     | ✓       |
| IHARA, Jr., Les  | ✓                   |          |     |         |
| SOLOMON, Malama  |                     |          |     | ✓       |
| SLOM, Sam  |                     |          |     | ✓       |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
|  |                     |          |     |         |
| <b>TOTAL</b>   | 4                   |          |     | 3       |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |                     |          |     |         |
| Chair's or Designee's Signature:    |                     |          |     |         |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy                           |                     |          |     |         |

\*Only one measure per Record of Votes