



GOV. MSG. NO. 1128

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

April 28, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on April 28, 2016, the following bill was signed into law:

SB2107

RELATING TO PEN REGISTERS  
**ACT 028 (16)**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

JAN 21 2016

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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 [~~such~~] 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:



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

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

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

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

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

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

20          (5)   Upon the request of the applicant, the information,  
21                facilities, and technical assistance necessary to



1           accomplish the installation of the pen register or  
2           trap and trace device that the provider of wire  
3           communication service is directed to furnish to the  
4           applicant."

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

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

8           (1) The order be sealed until otherwise ordered by the  
9           court; and

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

19          SECTION 3. Statutory material to be repealed is bracketed  
20          and stricken. New statutory material is underscored.



# S.B. NO. 2107

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

2

APPROVED this 28 day of APR, 2016

A handwritten signature in black ink, appearing to read "David Ige". The signature is written in a cursive style with a large, sweeping flourish at the end.

GOVERNOR OF THE STATE OF HAWAII