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## A BILL FOR AN ACT

RELATING TO SEARCH WARRANTS.

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

1           SECTION 1. Chapter 803, part III, Hawaii Revised Statutes,  
2 is amended by adding a new section to be appropriately  
3 designated and to read as follows:

4           "§803-           Location information privacy; civil penalty.

5           (a) Except as provided in subsection (b), a government entity  
6 may not obtain the location information of an electronic device  
7 without a search warrant issued by a duly authorized court.

8           (b) A government entity may obtain location information of  
9 an electronic device under any of the following circumstances:

10           (1) The device is reported stolen by the owner;

11           (2) In order to respond to the user's call for emergency  
12 services;

13           (3) With the informed, affirmative consent of the owner or  
14 user of the electronic device; or

15           (4) There exists a possible life-threatening situation.

16           (c) Any evidence obtained in violation of this section is  
17 not admissible in a civil, criminal, or administrative



1 proceeding and may not be used in an affidavit of probable cause  
2 in an effort to obtain a search warrant.

3 (d) A violation of this section shall result in a civil  
4 fine not to exceed \$50.

5 (e) As used in this section, the following terms shall  
6 mean as follows:

7 "Electronic device" means a device that enables access to,  
8 or use of:

9 (1) An electronic communication service, which is a  
10 service that provides to users of the service the  
11 ability to send or receive wire or electronic  
12 communications;

13 (2) A remote computing service, which is a service that  
14 provides computer storage or processing services by  
15 means of an electronic communications system; or

16 (3) A location information service, which is a service  
17 that provides global positioning service or other  
18 mapping, locational, or directional information  
19 service.

20 "Government entity" means a state or local agency,  
21 including a law enforcement entity or any other investigative



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1 entity, agency, department, division, bureau, board, or  
2 commission or an individual acting or purporting to act for or  
3 on behalf of a state or local agency."

4 SECTION 2. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun before its effective date.

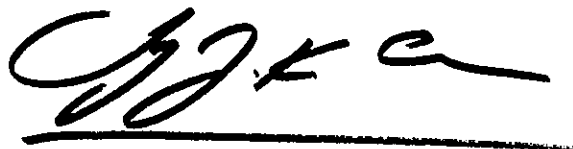
7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY:





JAN 22 2016



# H.B. NO. 2079

**Report Title:**

Search Warrants; Electronic Device

**Description:**

Requires government entities to obtain a search warrant in order to obtain the location information of an electronic device.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

