

Honolulu, Hawaii
February 19, 2016

RE: H.B. No. 1659

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1659 entitled:

"A BILL FOR AN ACT RELATING TO SEARCH WARRANTS,"

begs leave to report as follows:

The purpose of this measure is to expand state search warrant laws by authorizing:

- (1) Persons or entities designated by the court to assist law enforcement officers to carry out search warrants; and
- (2) Law enforcement officers to obtain technical assistance if the search warrant granted pertains to electronic devices or storage media.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Honolulu Police Department testified in support of this measure. An individual testified in opposition to this measure. The Judiciary provided comments.

Your Committee understands that privacy concerns are inherent in any discussion of or amendment to state search warrant laws. Accordingly, your Committee expects that a law enforcement officer will always be named or described in a search warrant including situations when they need technical assistance to execute a search warrant. Thus, the persons or entities that are needed to provide technical assistance will always be acting pursuant to the



direction of the law enforcement officer who is named or described in the search warrant, and not independently.

Your Committee hopes that this measure will help to address the current scarcity of law enforcement officers in the State who are qualified to conduct searches on computers, servers, mainframes, and other electronic or storage devices. This problem was noted in testimony received during the public hearing.

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. 1659 and recommends that it pass Second Reading and be referred to your Committee on Finance.

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



KARL RHOADS, Chair



