

Honolulu, Hawaii
March 3, 2016

RE: H.B. No. 2079
H.D. 1

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. 2079 entitled:

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

begs leave to report as follows:

The purpose of this measure is to protect the privacy of the location information of an electronic device by requiring government entities to obtain a search warrant for such information, with exceptions for certain circumstances.

The American Civil Liberties Union of Hawaii, Ho'omana Pono, LLC, and two concerned individuals testified in support of this measure. The Honolulu Prosecuting Attorney testified in opposition. The Department of the Attorney General provided comments.

Your Committee has amended this measure to:

- (1) Clarify that location information that is subject to a search warrant is the real-time location of the electronic device and not the previous locations of the device;
- (2) Specify that a search warrant or court order is not required when the real-time location information is not obtained from an internet service provider or the manufacturer of the device during an urgent situation that poses a threat to life, requires immediate action,

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and a search warrant or court order cannot be obtained in a timely manner;

- (3) Define the term "real-time location information"; and
- (4) Make technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2079, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2079, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



