

STAND. COM. REP. NO. 2791

Honolulu, Hawaii

MAR 04 2016

RE: S.B. No. 2103
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2103 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to authorize law enforcement officers to obtain technical assistance to search an electronic device or storage media, subject to court approval.

Your Committee received written comments in support of this measure from the Office of the Attorney General and the City and County of Honolulu Department of the Prosecuting Attorney. Your Committee received written comments on this measure from the Judiciary.

Your Committee finds that most law enforcement officers do not have the technical skill to execute a search warrant on an encrypted electronic device and must rely on the assistance of persons who have specialized technical skills but who are not law enforcement personnel. Your Committee further finds that this measure will allow officers to more easily obtain the necessary assistance from forensic information technology personnel and other specialists, located within or outside the State, when executing search warrants.

Your Committee has amended this measure by:



- (1) Specifically referencing section 803-37, Hawaii Revised Statutes, in the amendments made to sections 803-31, 803-34, and 803-35, Hawaii Revised Statutes;
- (2) Requiring an officer, in seeking court approval to obtain assistance from an individual or entity to search an electronic device or storage media, to present a sworn statement to the court setting forth the:
 - (A) Reliability and qualifications of the technical assistants; and
 - (B) Why assistance is necessary; and
- (3) Changing the effective date to July 1, 2076, to facilitate further discussion on the measure.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2103, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2103, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



JILL N. TOKUDA, Chair



