STAND. COM. REP. NO. 390

Honolulu, Hawaii

March 24

, 2017

RE: S.B. No. 488

S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 488, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow the courts to authorize a person or entity to provide technical assistance to a law enforcement officer or sheriff's deputy who is executing a search warrant pertaining to an electronic device or storage media.

The Department of the Attorney General, Honolulu Police Department, City and County of Honolulu Prosecuting Attorney, and Maui Police Department testified in support of the measure. One individual testified in opposition.

Your Committee has amended this measure by replacing its contents with H.B. No. 300, H.D. 1, which was heard by your Committee on February 3, 2017, and the purpose of which is a similar measure, except that it:

(1) Clarifies that both sheriff's deputies and police officers may execute a search warrant and obtain

technical assistance from an authorized individual or entity;

- (2) Changes the effective date to July 1, 2050, to encourage further discussion; and
- (3) Makes technical, nonsubstantive amendments for clarity, style, and consistency.

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 S.B. No. 488, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 488, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

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

SCOTT Y. NISHIMOTO, Chair

## State of Hawaii House of Representatives The Twenty-ninth Legislature

## HSCR 1390

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:		
SB 488 SD1	JUD	3/15/17		
$\theta$ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: θ Pass, unamended (as is) Pass, with amendments (HD) θ Hold				
θ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. NISHIMOTO, Scott Y. (C)				
2. SAN BUENAVENTURA, Joy A	. (VC)		يونون أست	· · · · · · · · · · · · · · · · · · ·
3. BELATTI, Della Au				
4. BROWER, Tom				
5. JOHANSON, Aaron Ling	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1			No. 10 Personal Property of the Control of the Cont
6. LEE, Chris				
7. MORIKAWA, Dee				
8. NAKASHIMA, Mark M.				
9. OSHIRO, Marcus R.				
10. McDERMOTT, Bob			•	
11. THIELEN, Cynthia				
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TOTAL (11)	3			_3
The recommendation is:  One of the property of				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				