

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 488

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committees on Judiciary and Labor and Economic Development, Tourism, and Technology, to which was referred S.B. No. 488 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to allow the court to authorize an individual or entity other than a law enforcement officer to provide technical assistance in executing a search warrant that pertains to an electronic device or storage media.

Your Committees received testimony in support of this measure from the Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; and Police Department, City and County of Honolulu.

Your Committees find that existing law requires that a search warrant be executed by a law enforcement officer. However, there are many cases involving electronic evidence where law enforcement officers are unable to execute a search warrant without specialized assistance from non-law enforcement personnel. This measure facilitates more efficient and effective investigations and searches while allowing the judge to set limitations on the manner in which the assistance is provided.

Your Committees have amended this measure by:




- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Labor and Economic Development, Tourism, and Technology that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 488, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 488, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Labor and Economic Development,
Tourism, and Technology,



GLENN WAKAI, Chair



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 488	Committee Referral: JDL/ETT	Date: 2/22/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
RHOADS, Karl (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Karl Rhoads</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

