

Honolulu, Hawaii

February 14, 2018

RE: H.B. No. 1773
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1773 entitled:

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

begs leave to report as follows:

The purpose of this measure is to expressly authorize a judge or magistrate to approve a search warrant based on sworn oral statements or electronic communications.

The City and County of Honolulu Department of the Prosecuting Attorney, County of Maui Department of the Prosecuting Attorney, County of Kauai Office of the Prosecuting Attorney, and Honolulu Police Department testified in support of this measure. One individual testified in opposition. The Hawaii Chapter of Mothers Against Drunk Driving provided comments.

Your Committee has amended this measure by:

- (1) Limiting the authority of a judge or magistrate to approve a search warrant based on a sworn oral statement to cases where the judge or magistrate finds that due to circumstances of time and place, a delay in obtaining a search warrant in writing or based on a sworn statement communicated electronically may result in the



destruction or disappearance of the person, place, or thing to be searched or the items to be seized;

- (2) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making 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. 1773, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1773, 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



