STAND. COM. REP. NO. 6 -20

Honolulu, Hawaii

, 2020

FEB 14

H.B. No. 2745 RE:

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2020 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2745 entitled:

"A BILL FOR AN ACT RELATING TO FACE SURVEILLANCE,"

begs leave to report as follows:

The purpose of this measure is to prohibit:

- (1) Government use of face surveillance other than existing police department use; and
- (2) Private use of face surveillance unless the subject of the face surveillance has given clear, discrete, written consent.

Your Committee received testimony in support of this measure from the Department of Transportation, Office of the Public Defender, Community Alliance on Prisons, and four individuals. Your Committee received testimony in opposition to this measure from the City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, Hawaii Credit Union League, and Internet Association. Your Committee received comments on this measure from the Hawaii Bankers Association, American Civil Liberties Union of Hawaii, and Microsoft.

Your Committee finds that the unregulated use of face surveillance poses a unique and significant threat to the civil rights and liberties of residents and visitors of Hawaii. This measure seeks to limit government and private use of face surveillance.

Your Committee has amended this measure by:

- (1) Allowing driver's license and civil identification card issuing agencies to obtain, retain, access, and use a face surveillance system or information obtained from a face surveillance system to satisfy the requirements of the federal REAL ID Act of 2005;
- (2) Clarifying that prohibitions against the private use of face surveillance does not prohibit private entities from using cameras for internal security related purposes;
- (3) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of 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. 2745, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2745, H.D. 1, and be referred to your Committee on Finance.

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

CHRIS LEE, Chair

## State of Hawaii House of Representatives The THIRTIETH Legislature

HSCR 669-20

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.:	Committee Referral:	Date:	/12/2	
HB 2745	JUD, FIN		10/10	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)			39433.7317.744339.33	
2. SAN BUENAVENTURA, Joy A.	(VC)			
2 PROWED Town				
3. BROWER, Tom				
4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.				artigijahan 1944 266
6. McKELVEY, Angus L.K.				1990-moon kuudustinud illistinud lähtivatta midror Bukur
7. NAKASHIMA, Mark M.				
8. PERRUSO, Amy A.		Connection of the properties of the second section of the section		•
9. SAY, Calvin K.Y.				
10. TAKAYAMA, Gregg				
To. TAKATAMA, Glegg				
11. YAMANE, Ryan I.				<u></u>
12. THIELEN, Cynthia				
TOTAL (12)				
The recommendation is:  Adopted  Not Adopted  or of joint referral,  committee acronym(s)  Adopted  did not support recommendation.				
Vice Chair's or designee's signature				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				