

Honolulu, Hawaii

, 2020

FEB 14

RE: H.B. No. 2745

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



