

STAND. COM. REP. NO. 1254-20

Honolulu, Hawaii

, 2020

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RE: S.B. No. 2185
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 S.B. No. 2185 entitled:

"A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to exclude violations of privacy in the first degree and certain violations of privacy in the second degree, from qualifying for deferred acceptance of a guilty plea or nolo contendere plea.

Prior to decision making on this measure, your Committee posted and made available for public review a proposed H.D. 1, which amends this measure by adding language to limit the government's use of face surveillance.

Your Committee received testimony in support of the proposed H.D. 1 from one individual. Your Committee received comments on the proposed H.D. 1 from the Office of the Public Defender, City and County of Honolulu Department of the Prosecuting Attorney, Honolulu Police Department, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Hawaii Bankers Association, and Hawaii Credit Union League.

Your Committee finds that due to the serious nature of certain privacy violations involving other people's intimate

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activities, private communications, or intimate areas of the body, without consent, such offenders should not be eligible for deferred pleas.

Your Committee further 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.

Your Committee has amended this measure by adopting the proposed H.D. 1 and further amending the measure by:

- (1) Specifying that the use of face surveillance by the government or a government official at states airports may only be for purposes of identifying an individual whom there is reason to believe, based on thermal scanning technology, could be infected with a communicable or dangerous disease; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee notes that concerns were raised about the impact of this measure on financial institutions, such as banks, that utilize camera systems for security purposes. This measure specifically limits the government's use of face surveillance and is not intended to impact financial institutions.

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. 2185, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2185, H.D. 1, and be placed on the calendar for Third Reading.



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



CHRIS LEE, Chair



