

STAND. COM. REP. NO. 410

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 529
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 529 entitled:

"A BILL FOR AN ACT RELATING TO RECORDINGS OF LAW ENFORCEMENT
ACTIVITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the right of persons to record law enforcement activities; and
- (2) Establish a private right of action for violations of the right.

Your Committee received testimony in support of this measure from the Office of the Public Defender, American Civil Liberties Union of Hawai'i, Young Progressives Demanding Action, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that Hawaii law and the United States Constitution afford an individual the right to record law enforcement officers. However, there is nothing to prevent law enforcement from interfering with an individual's right to do so. Without consequences, law enforcement may continue to unconstitutionally prevent individuals from recording their



activities. This measure will ensure that individuals have the right to record law enforcement activities and create a civil cause of action if law enforcement interferes with that right.

Your Committee has amended this measure by:

- (1) Specifying that "law enforcement officer" means any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 529, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 529, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,




CLARENCE K. NISHIHARA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* <i>SB 529</i>	Committee Referral: <i>PSM, JDC</i>	Date: <i>Feb. 16, 2021</i>		
<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
NISHIHARA, Clarence K. (C)	/			
ENGLISH, J. Kalani (VC)	/			
BAKER, Rosalyn H.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt	/			
TOTAL	<i>5</i>	<i>—</i>	<i>—</i>	<i>—</i>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes