

STAND. COM. REP. NO.

2697

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2293  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Government Operations and Transportation,  
to which was referred S.B. No. 2293 entitled:

"A BILL FOR AN ACT RELATING TO FACIAL RECOGNITION SYSTEMS,"

beg leave to report as follows:

The purpose and intent of this measure is to limit the  
Department of Transportation's use of facial recognition systems  
to certain specified situations.

Your Committees received testimony in support of this measure  
from the Department of Transportation and one individual. Your  
Committees received testimony in opposition to this measure from  
the Security Industry Association. Your Committees received  
comments on this measure from the American Civil Liberties Union.

Your Committees find that the unregulated and unfettered use  
of facial recognition and imaging technology poses unique and  
significant implications with respect to the civil rights and  
liberties of the State's residents and visitors. Your Committees  
recognize, however, that in certain limited circumstances, the use  
of this technology serves a legitimate public purpose and does not  
infringe on an individual's privacy rights.

Your Committees further find that detecting infectious  
travelers is necessary to ensure that Hawaii's economy can fully  
function while keeping the public safe. In May 2021, facial



imaging equipment became operational throughout the State's five major airports. Your Committees find that this equipment is being used in conjunction with thermal screening as part of the project of the Airports Division of the Department of Transportation to screen travelers for fevers and detect those who may be infected with the coronavirus or other infectious diseases that pose a public health risk.

Your Committees additionally find that the Airports Division of the Department of Transportation should be allowed to continue using the facial imaging system purchased for sole use within airports to protect the public health and safety while balancing concerns regarding privacy interests of individuals.

Accordingly, your Committees find that this measure balances concerns regarding privacy and public health and safety by limiting the Department of Transportation's use to a facial imaging system.

Your Committees note the testimony of the Department of Transportation on the nature of its imaging system and need for funding for its continued maintenance and operation. Based on this testimony, your Committees find that the Department of Transportation uses an "integrated thermal scanner facial imaging system" that obtains images for the purpose of detecting a person's temperature; captures images only of persons with temperatures of 100.4 degrees Fahrenheit or higher who are referred to the Department of Health for testing; and neither retains the image for longer than thirty minutes nor is connected to any personal identifying information or shared with any other entity or person.

Your Committees have therefore amended this measure by:

- (1) Clarifying that the system used by the Department of Transportation is an integrated thermal scanner facial imaging system;
- (2) Specifying that any images obtained by the Department of Transportation's integrated thermal scanner facial imaging system be deleted within thirty minutes of capture, rather than within sixty minutes;



- (3) Inserting a blank appropriation to the Department of Transportation for the maintenance and operation of its thermal scanner facial imaging system;
- (4) Amending section 1 to reflect its amended purpose;
- (5) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Transportation that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2293, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2293, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committees on Government  
Operations and Transportation,



CHRIS LEE, Chair



SHARON MORIWAKI, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

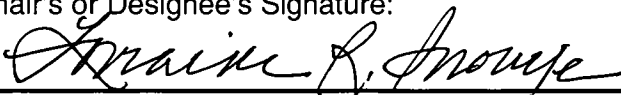
**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <b>SB 2293</b>	Committee Referral: <b>GVO/TRS, JDC</b>	Date: <b>02/10/22</b>		
<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
MORIWAKI, Sharon Y. (C)	X			
DELA CRUZ, Donovan M. (VC)	X			
CHANG, Stanley	X			
GABBARD, Mike				X
FEVELLA, Kurt	X			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: _____				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes

The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation**  
**TRS**

Bill / Resolution No.:* <b>SB 2293</b>	Committee Referral: <b>GNO/TRS, JDC</b>	Date: <b>2-10-2022</b>		
<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
LEE, Chris (C)	✓			
INOUYE, Lorraine R. (VC)	✓			
DECOITE, Lynn	✓			
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

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