

STAND. COM. REP. NO.

1721

Honolulu, Hawaii

, 2021

APR 08

RE: S.B. No. 726

H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 726 entitled:

"A BILL FOR AN ACT RELATING TO POLICING,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require officers serving a warrant to declare the officer's office and business and wait thirty seconds before entry into a house, store, or other building, subject to certain circumstances; and
- (2) Require officers serving a warrant issued by a district court to do so in uniform.

Your Committee received testimony in support of this measure from the Office of the Public Defender, one member of the Kaua'i County Council, Hawai'i Health & Harm Reduction Center, The Drug Policy Forum of Hawai'i, Young Progressives Demanding Action, LGBT Caucus of the Democratic Party of Hawaii, American Civil Liberties Union of Hawai'i, Americans for Democratic Action Hawai'i, Community Alliance on Prisons, AF3IRM Hawai'i, Ohana Ho'opakele, YWCA O'ahu, Planned Parenthood Alliance Advocates - Hawai'i, Rare Disease Hawaii, Techmana LLC, and numerous individuals. Your Committee received testimony in opposition to this measure from

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the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and two individuals.

Your Committee finds that this measure will prohibit the usage of no-knock raids in which law enforcement officers forcibly enter a dwelling without knocking or announcing their presence. According to the New York Times, ninety-four people, eighty-one of whom were members of the public, died between 2010 and 2016 as a result of no-knock or quick-knock raids. In response to the dangerousness of no-knock raids, three other states have expressly banned the use of these raids. Although this measure will provide greater protection from intrusive and dangerous policing practices, your Committee recognizes that exigent circumstances may sometimes exist that justify the use of quick-knock raids.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that officers or persons serving a warrant must use an audible voice, instead of a loud voice;
- (2) Clarifying that officers are not required to wait thirty seconds before entry into a house, store, or other building if exigent circumstances exist that cause waiting to be hazardous or otherwise impracticable;
- (3) Requiring that officers serving a warrant issued by a district court do so in an authorized uniform and wear and use a body-worn video camera;
- (4) Changing the effective date to July 1, 3021, to encourage further discussion; and
- (5) 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 726, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 726, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

  
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MARK I. NAKASHIMA, Chair



