

STAND. COM. REP. NO.

692

Honolulu, Hawaii

MAR 04 2021

RE: S.B. No. 726

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

Sir:

Your Committee on Judiciary, 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 and intent of this measure is to:

- (1) Prohibit the issuance of warrants that permit entry by an officer to a house, store, or other building without first audibly declaring the officer's office and business, including no-knock warrants;
- (2) Require law enforcement officers serving an arrest warrant at a house or a search warrant at a house, store, or other building to audibly declare the officer's office and business and wait at least thirty seconds for compliance before entry; and
- (3) Require officers serving a warrant to do so in uniform.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Americans for Democratic Action, Hawai'i Health & Harm Reduction Center, Community Alliance on Prisons, ACLU Hawai'i, Young Progressives Demanding Action, Planned Parenthood Votes Northwest and Hawaii, League of Women Voters, The Drug Policy Forum of Hawai'i, and thirty-five individuals. Your Committee received testimony in opposition to



this measure from the Department of the Attorney General, Honolulu Police Department, and Maui Police Department. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that the Fourth Amendment to the United States Constitution prohibits the police from entering a person's home without a warrant. Under section 803-37, Hawaii Revised Statutes, when an officer charged with the execution of a search warrant finds that the doors of the place to be searched are shut, before the officer may physically break into the place to be searched, the officer must state their office, state their business, and demand entrance. Article I, section 7, of the Hawaii State Constitution further provides for officers to wait a reasonable period of time prior to forcing entry. This knock-and-announce rule is one mechanism that protects individuals' constitutional rights to be secure against unreasonable searches and seizures. See *State v. Naeole*, 148 Hawaii 243, 470 P.3d 1120, 1124 (2020). Although the knock-and-announce rule still exists, if the police believe in advance of executing a search warrant that the threat of physical violence or the destruction of evidence exists, the police may obtain a "no-knock warrant" to allow the police to enter with force into the building without knocking. These raids have led to injury, death, and substantial collateral damage, and feed into the growing sense of community distrust of police. This measure prohibits no-knock warrants to safeguard individuals' constitutional rights under the Fourth Amendment.

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. 726 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
 Thirty-First Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 726</b>	Committee Referral: <b>JDC</b>	Date: <b>02 / 24 / 2021</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 checked="" type="checkbox"/> Pass, unamended <span style="margin-left: 100px;"><input type="checkbox"/> Pass, with amendments</span> <span style="margin-left: 100px;"><input type="checkbox"/> Hold</span> <span style="margin-left: 100px;"><input type="checkbox"/> Recommit</span> <span style="margin-left: 100px;">2312</span> <span style="margin-left: 100px;">2311</span> <span style="margin-left: 100px;">2310</span> <span style="margin-left: 100px;">2313</span>				
<b>Members</b>	<b>Aye</b>	<b>Aye (WR)</b>	<b>Nay</b>	<b>Excused</b>
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt			✓	
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature: <span style="font-family: cursive; font-size: 1.2em; margin-left: 50px;">Karl Rhoads</span>				
Distribution:          Original                                  Yellow                                  Pink                                  Goldenrod <span style="margin-left: 50px;">File with Committee Report</span> <span style="margin-left: 100px;">Clerk's Office</span> <span style="margin-left: 100px;">Drafting Agency</span> <span style="margin-left: 100px;">Committee File Copy</span>				

**\*Only one measure per Record of Votes**