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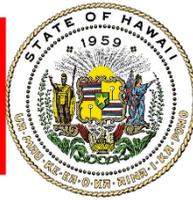
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

January 28, 2025

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SB601: RELATED TO LAW ENFORCEMENT

Chair Elefante, Vice-Chair Wakai, and Members of the Committee on Public Safety and Military Affairs:

The Office of the Public Defender (OPD) **supports SB601**. This bill clarifies language in HRS § 803-37(a) regarding the premises which may be entered pursuant to a search warrant and the means by which the officers can gain entry to those premises. The bill further adds subsection (b) to HRS § 803-37 which requires officers to post notice of the search and identifying and contact information for the search and at least one involved officer. Finally, the bill requires that at the conclusion of the search, the officers secure any entrances used to by them to access the premises.

This bill increases transparency and accountability in the execution of warranted or warrantless searches.¹ On some occasions, the owner or occupier of the premises is not present during the search. Given the highly intrusive nature of such searches and the possibility that such searches may be subject to legal challenges, the posting requirement would inform the owner or occupier or their attorney to know the date, time and purpose of the search and who to contact regarding any questions or concerns as to the execution and propriety of the search. The requirement that officers secure any entrances used upon completion of the warranted or warrantless search to prevent the property from being subsequently accessed by other individuals for purposes of trespass, theft and other invasions of privacy.

Thank you for the opportunity to comment on this measure.

¹ Subsection (b) also references “warrantless search.” The OPD clarifies that it does not generally support warrantless searches as they are violative of individual’s rights under the fourth amendment to the U.S. Constitution and article I, section 7 of the Hawai`i Constitution, subject only to firmly-established exceptions.



RICHARD T. BISSEN, JR.
MAYOR

POLICE DEPARTMENT

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JOHN PELLETIER
CHIEF OF POLICE

WADE M. MAEDA
DEPUTY CHIEF OF POLICE

TO: Senator Brandon J.C. Elefante, Chair
Senator Glenn Wakai, Vice Chair
Committee on Public Safety and Military Affairs

FROM: John Pelletier, Chief of Police

DATE: January 26, 2025

SUBJECT: **OPPOSITION OF SB601, RELATED TO LAW ENFORCEMENT**

Thank you for the opportunity to testify in OPPOSITION of this important measure. The bill requires law enforcement to post notice that a warranted or warrantless search has been conducted on a property. Requires a law enforcement officer to secure any entrance used by an officer in the search.

The Maui Police Department recognizes the importance of the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. The development of laws, bills, acts, policies are complex and multifaceted, making it difficult for government to formulate a balance with the consideration of individuals rights functioning within in the configurations of our entire community.

The Maui Police Department is in opposition to Senate Bill 601, as it is written. The bill amendment revising Hawaii Revised Statute 803-37 Power of officer serving adds section (b) which states "Upon completion of any warranted or warrantless search of a house, store, or other building, the officer shall post notice of the search that shall include the report number, date, time, reason for entering, and office contact number for at least one of the officers involved in the search. Any entrances used by an officer shall be secured upon completion of a warranted or warrantless search."

Senate Bill 601 Section (b) fails to address impartiality of individual's rights, and the specific procedures needed to accomplish a lawful police objective. Section (b) makes a designation of **any warranted or warrantless search warrant** removing the provision that provides law enforcement the authority to delay giving notification lacking deliberation of those situations that may have an inauspicious effect if immediate return is provided following the execution of a warrant. These unpropitious results include but are not limited to endangering someone's life or physical safety, it

might cause flight from prosecution, tampering or destruction of evidence, intimidation of potential witnesses, or otherwise seriously jeopardize an investigation.

For these justifications, the Maui Police Department opposes this bill, as it is presently written, until such amendment can be revised to consider those adverse warrant situations where a delay in return notification is authorized.

Mahalo for your consideration.



For

JOHN PELLETIER

Chief of Police

LATE

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

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ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE HA-BKG

January 29, 2025

The Honorable Brandon J.C. Elefante, Chair
and Members
Committee on Public Safety
and Military Affairs
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawaii'i 96813

Dear Chair Elefante and Members:

SUBJECT: Senate Bill No. 601, Related to Law Enforcement

I am Major Hunter Ah Loo of the Specialized Services Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the intent of Senate Bill No. 601, Related to Law Enforcement, and offers the following concerns.

This bill intends to require law enforcement personnel to post a notice that a warranted or warrantless search has been conducted on a property and to secure any entrance used by an officer in the search. The Department's concern is the requirement to "secure any entrance," which the term secure can be very subjective. Although the HPD attempts to secure breached doors and/or notify an owner or their representative of the breached door, we do not have the required training to secure an entrance such as a contractor would.

The HPD appreciates the committee's consideration of our comments regarding Senate Bill No. 601, Related to Law Enforcement, and thanks you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Hunter Ah Loo, Major
Specialized Services Division

SB-601

Submitted on: 1/25/2025 12:32:50 PM

Testimony for PSM on 1/29/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacob Wiencek	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Use of warrants is perhaps one of our government's most powerful tools. It allows proper execution of investigations and other judicial matters. However, this power tool is incredibly prone to abuse. Including this simple provision to notify that a warrant or warrantless search was conducted would strengthen individual rights and civil liberties. This proposal is a no-brainer and I strongly urge this Committee to pass this bill!

SB-601

Submitted on: 1/27/2025 7:25:51 AM

Testimony for PSM on 1/29/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Oppose	Written Testimony Only

Comments:

I STRONGLY OPPOSE warrantless searches of the people in Hawaii which is a direct violation of the 4th Amendment of the US Constitution and I urge all members of the Committee to **VOTE NO** on this Bill.