

SB2097

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai`i

February 26, 2014

RE: S.B. 2097; RELATING TO PEN REGISTERS.

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of S.B. 2097.

The purpose of this bill is to update the definition of a “pen register” to include devices that do not use a landline but still make phone calls, such as cellular telephones and electronic devices that make phone calls via the Internet, and software applications such as Skype, Google Voice, and iCall. In short, the proposed language makes the statute “technology neutral”.

The current statutory definition of a “pen register” was adopted in the 1980’s, and still refers to numbers dialed on a landline. Specifically, HRS §803-41 defines a “pen register” as a “device that records or decodes electronic or other impulses that **identify numbers dialed or otherwise transmitted on a telephone line** to which such device is attached”. (emphasis added).

The language of S.B. 2097 would make the definition of “pen register” technology neutral, and more applicable to current forms of communication. Significantly, however, this proposal would not change the “probable cause” standard, or burden of proof that law enforcement must meet, to obtain an order for a pen register or trap and trace device. Those standards, set forth in HRS § 803-44.5 and 803-44.6, would remain unaffected by this proposal.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2097. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: richard.minatoya@mauicounty.gov
Subject: Submitted testimony for SB2097 on Feb 26, 2014 11:15AM
Date: Monday, February 24, 2014 3:25:45 PM

SB2097

Submitted on: 2/24/2014

Testimony for JDL on Feb 26, 2014 11:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Support	No

Comments: The Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill and joins in the testimony of the Honolulu Department of the Prosecuting Attorney.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov