The Honorable Donna Mercado Kim,  
President  
and Members of the Senate  
Twenty-Seventh State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the House of Representatives  
Twenty-Seventh State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 7, 2014, the following bill was signed into law:

HB1641 SD1 CD1  
RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS  
ACT 226 (14)

Signed,

NEIL ABERCROMBIE  
Governor, State of Hawaii
A BILL FOR AN ACT

RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 803-47.6, Hawaii Revised Statutes, is amended as follows:

1. By amending subsections (a) and (b) to read:

"(a) A governmental entity may require the disclosure by a provider of electronic communication service of the contents of an electronic communication [that has been in electronic storage for one hundred and eighty days or less, where storage has taken place,] pursuant to a search warrant only. [A governmental entity may require the disclosure by a provider of electronic communication service of the contents of an electronic communication that has been in electronic storage for more than one hundred and eighty days by the means available under subsection (b) of this section.]

(b) A governmental entity may require a provider of remote computing services to disclose the contents of any electronic communication [to which this subsection is made applicable by subsection (c) of this section]."
(1) Without notice to the subscriber or customer, if a search warrant has been obtained, or

(2) With prior notice to the subscriber or customer, if a court order for disclosure under subsection (d) of this section has been obtained, except that delayed notice may be authorized by the order.) pursuant to a search warrant only."

2. By amending subsections (d) and (e) to read:

"(d)(1) A provider of electronic communication service or remote computing service may disclose a record or other information pertaining to a subscriber to, or customer of, the service (other than the contents of any electronic communication) to any person other than a governmental entity.

(2) A provider of electronic communication service or remote computing service shall disclose a record or other information pertaining to a subscriber to, or customer of, the service (other than the contents of an electronic communication) to a governmental entity only when:

(A) Presented with a search warrant;
(B) Presented with a court order (for), which seeks
the disclosure of transactional records, other
than real-time transactional records;

(C) The consent of the subscriber or customer to the
disclosure has been obtained; or

(D) Presented with an administrative subpoena
authorized by statute, an attorney general
subpoena, or a grand jury or trial subpoena,
which seeks the disclosure of information
concerning electronic communication, including
but not limited to the name, address, local and
long distance telephone billing records,
telephone number or other subscriber number or
identity, and length of service of a subscriber
to or customer of the service, and the types of
services the subscriber or customer utilized.

(3) A governmental entity receiving records or information
under this subsection is not required to provide
notice to a subscriber or customer.

(e) A court order for disclosure under subsection [(b) or
(c) of this section] (d) shall issue only if the governmental
entity demonstrates probable cause that the [contents of a wire

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or electronic communication, or [records or other information sought, constitute or relate to the fruits, implements, or existence of a crime or are relevant to a legitimate law enforcement inquiry. An order may be quashed or modified if, upon a motion promptly made, the service provider shows that compliance would be unduly burdensome because of the voluminous nature of the information or records requested, or some other stated reason establishing such a hardship."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

APPROVED this 7 day of JUL, 2014

[Signature]
GOVERNOR OF THE STATE OF HAWAII