

STAND. COM. REP. NO. 1313-16

Honolulu, Hawaii
March 24, 2016

RE: S.B. No. 2439
S.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2439, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT,"

begs leave to report as follows:

The purpose of this measure is to establish exceptions to the offense of obstructing government operations and the offense of violation of privacy in the second degree to include a person making a video or audio recording or taking a photograph of a law enforcement officer in the performance of the officer's duties in a public place or under circumstances in which the officer has no reasonable expectation of privacy; provided that the officer may take reasonable action to maintain safety and control, secure crime scenes and accident sites, protect the integrity and confidentiality of investigations, and protect public safety and order.

Your Committee notes that at present, United States Supreme Court decisions do not clearly affirm a constitutional right to record police conduct in public places. Recent events have shown that such a right needs to be protected.

The American Civil Liberties Union of Hawaii, Americans for Democratic Action, Progressive Democrats of Hawaii, and numerous individuals testified in support of this measure. An individual opposed this measure.

SB2439 SD1 HSCR JUD HMS 2016-2942



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. 2439, S.D. 1, and recommends that it pass Second Reading and be referred to your Committee on Finance.

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



KARL RHOADS, Chair



