

Honolulu, Hawaii

FEB 29 2024

RE: S.B. No. 2236  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2236, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to require law enforcement to post notice that a warranted or warrantless search has been conducted on a property if a resident was not present at the time of the search.

Your Committee received testimony in support of this measure from the ACLU of Hawai'i and Godwits Mercy Inc.

Your Committee received testimony in opposition to this measure from twenty-five individuals.

Your Committee finds that the Fourth Amendment of the United States Constitution grants the constitutional right to live free of unreasonable searches and seizures. Similarly, the Hawaii State Constitution affords individuals the right to be free from unreasonable searches and seizures and explicitly protects the right to privacy. Your Committee believes that, given the highly intrusive nature of searches in houses, stores, and buildings, at minimum, law enforcement should be required to post a notice that a search has occurred, and to secure the premises to prevent trespass, theft, and further invasions of privacy. This measure



will support constitutional rights, provide further transparency into government operations, and build trust between law enforcement and the community.

Your Committee has amended this measure by:

- (1) Requiring that an officer always post notice of a warranted or warrantless search upon completion of the search, instead of only when a resident is absent at the time of the search;
- (2) Clarifying that an officer is required to include the office contact number for at least one of the officers involved in the search rather than callback numbers in the notice of a search; and
- (3) Clarifying that an officer is required to secure any entrance used by the officer upon completion of a warranted or warrantless search.

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. 2236, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2236, S.D. 2.

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



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KARL RHOADS, Chair



