

News Releases

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Hawaii Law Enforcement Coalition Announces Legislative Package

The Law Enforcement Coalition announced today their legislative package for the 2002 legislative session. Attorney General Anzai characterized the legislative package as "five bills designed to address a wide range of important law enforcement issues." He explained that each bill has the unanimous support of the members of the Law Enforcement Coalition. The Hawaii Law Enforcement Coalition is composed of the Attorney General, the Chief of Police and the Prosecuting Attorney from each of Hawaii's four counties, and the U.S. Attorney for the District of Hawaii.

The three new bills to be introduced this year are bills relating to: (1) Identity; (2) Electronic Surveillance; and (3) Foreign Protective Orders. The other two bills, relating to direct filing of criminal complaints, are pending from the 2001 legislative session. The following is a summary of each bill:

Identity

After the terrorist attacks on the East Coast, it has become apparent that identity theft and use of false identities can be more than property crimes. In these attacks, terrorists gained access to the aircraft they hijacked by the use of false and stolen identities. Hawaii law enforcement officials need statutory tools to combat identity theft, or the use of false identities, whether the criminal's purpose is to steal the life savings of a retiree or to perpetrate a terrorist act.

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Also, sanctions for obtaining false identification documents must be expanded beyond the current criminal penalties. This bill will give law enforcement officials additional tools to prosecute those who use stolen identities or who use false identities to perpetrate crimes.

Electronic Surveillance

After the terrorist attacks on the East Coast, it has become apparent that Hawaii law enforcement officials will need statutory authorization to conduct electronic surveillance. While, in theory, that statutory authority already exists, in practice, Hawaii's current electronic surveillance laws are hopelessly behind recent technological developments and are so restrictive that wiretaps are virtually never used by Hawaii law enforcement.

Hawaii needs an electronic surveillance statute that: (1) provides strong privacy protections for Hawaii's residents; (2) is up to date with current technology; (3) is not so restrictive that it is unusable, as a practical matter; (4) is in conformance with federal electronic surveillance statutes; and (5) strikes an appropriate balance between protecting the rights of Hawaii's residents and giving law enforcement officials the tools needed to protect Hawaii residents against terrorists and other criminals. Enacting a new statute patterned after the federal law regarding electronic surveillance will accomplish all of these goals.

Foreign Protective Orders

Enforcement of protective orders is an important law enforcement function. The current statute that

provides immunity to law enforcement officers for enforcing foreign protective orders limits the immunity to service of "valid" protective orders. Very often it is impossible to verify whether or not a protective order is valid. Sometimes the unfortunate result is that the protective order is not enforced because it is impossible for a law enforcement officer to establish the validity of the protective order within a short period of time. To eliminate this chilling effect on the enforcement of protective orders, and to encourage their enforcement, this bill will provide immunity for law enforcement officers who enforce protective orders that appear to be valid.

Direct Filing (SB 996 and 997 carried over from the 2001 Regular Session)

The two bills set the groundwork to allow felony prosecutions to be initiated via an information, in addition to grand jury indictments and preliminary hearings. SB 996 provides the necessary constitutional amendment and SB 997 lays out the procedural requirements to implement the constitutional amendment. Direct filing of information will continue to ensure a defendant's constitutional rights while allowing for the preservation of very limited resources.

Currently in Hawaii, felony prosecutions must be initiated either via grand jury indictment or by a preliminary hearing conducted after a defendant has been arrested. These methods of prosecution require substantial resources by the police, prosecutors and the judiciary. Direct filing of information is an alternative to the grand jury and preliminary hearing processes to initiate felony prosecutions. An information is just like a complaint with documentary exhibits supporting the charge. The information and supporting documents are submitted to a judge for a determination of probable cause. The process will allow for a great reduction in costs and staff time. The same standard of proof of probable cause will still apply, and the defense will still be able to challenge the probable cause determination by motion.