

ACLU of Hawaii 2007 Legislative Scorecard Highlights v.7.10.07

Section One: Pro-civil liberties measures that passed

Measure Number	Description	ACLU Position
SCR 31 SD1	Supports S717 to repeal "Real ID" Act	Support: Nat'l ID card raises privacy, security & constitutional concerns. SCR31 supports "Identification Security Enhancement Act of 2007" (S717)
(SB 1444 SD1, HD1) ACT 33	Clarifies the purpose of Hawaii Youth Correctional Facility (HYCF)	Support: HYCF's legislative purpose previously focused on "incarceration" and "punishment". Changing the purpose to "custody" and "rehabilitation" will help reform the operational culture of the facility.
(SB 914 SD2, HD1, CD1) ACT 144	Mental health treatment of committed persons	Monitor: Appropriates \$500,000 for mental health plan and treatment. The rights of the mentally ill are vulnerable to infringement while in gov't custody.
(HB 1750 HD2,SD1) ACT 52	Removes 1-year residency requirement for state job applicants.	Support: Statute previously required applicants to prove at least 1 year of Hawaii residency. In 6/06, Judge Ezra ruled in favor of the ACLU of Hawaii, invalidating the statute as unconstitutional. This bill formally repealed the statute.

Section Two: Pro-civil liberties measures that failed

Measure Number	Description	ACLU Position
HB 675 SB 800	To authorize death with dignity (physician-assisted suicide)	Support: Preserve & strengthen the individual autonomy of a terminally ill person
SB 1062	Civil Unions	Support: Extend equal rights & responsibilities of married persons to CU partners
SB 905 SD1	Move medical marijuana oversight from Dept.of Justice to Dept.of Health	Support: Expand and ease access of the sick to medical marijuana. Place program under appropriate govt. authority.
SB 1119 SD1	Comprehensive drug policy	Support: A comprehensive, well-researched, and thoughtfully developed drug policy is preferable to piecemeal legislation
HB 466 HD1 SB 1110 SD1	Emergency Contraception for rape survivors.	Support: Emergency contraception is safe; access is important for rape survivors to prevent unwanted pregnancy.
HB 1440 HD3, SD1	Clarifies authority of Ombudsman to investigate claims of Hawaii inmates housed out-of-state	Support: Protect due process in the handling of inmate claims and grievances, handle such claims in in Hawaii even if they occur in an out-of-state facility.

HB 1133, HD1, SD2	Election day registration	Support: Increase ballot access and protect voting rights for all.
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HB 1587	Parity between married and unmarried couples	Support: A step towards ACLU's goal of fairness in marriage. Extend and ensure the "legal incidents" of marriage to unmarried couples, the families of gay men and lesbians and other unmarried couples.
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HB 982, SB 706	Decriminalize prostitution	Support: The ACLU sees prostitution as an issue of a women's right to self-determination, and government intrusion into private sexual expression between consenting adults.
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Section Three: Anti-civil liberties measures that passed

Measure Number	Description	ACLU Position
(HB 1248 HD1,SD1) ACT 47	Prohibits name changes for covered sex offenders	Oppose: Places an additional restriction on the released offenders without any evidence that such restrictions will, in fact, protect the public.

Section Four: Anti-civil liberties measures that failed

Measure Number	Description	ACLU Position
SB 1449 ,SD1	Criminal trespass	Oppose: Extends the Criminal Trespass statute to public housing, posing grave constitutional concerns similar to those of Act 50 of 2004, which was repealed as unconstitutional.

HB 1618 HD1	Govt. video surveillance to deter property damage, graffiti	Oppose: Serious privacy and constitutionality concerns with any warrantless surveillance by government.
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SB 52	Extending power of federal officers to make arrests under state law	Oppose: Unnecessarily expands police power (and the potential for its abuse) by giving federal officers the right to arrest individuals under Hawaii state laws without a duly issued warrant; muddies the distinction between state and federal law and authorities and threatens the civil rights of Hawai'i citizens.
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SB 1490 SD1 HB 1404	Limiting prison litigation rights	Oppose: Puts barriers in place to inmates who have plainly meritorious claims and are seeking redress of fundamental rights. Risks that prisoners fail to exhaust remedies due to ignorance, mental illness, disability, or being misled by prison staff, then forever barred from filing meritorious claims.
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HB1499 SD1 SB663 SD1	Enables personal searches of any ocean user at any time without probable cause by almost any govt. officials.	Oppose: While well intentioned to combat theft of ocean resources and endangered species, this bill was so overly broad that it would have created a due process nightmare and could have easily been abused by the government.
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SB 1802	Provides an exception to the confidentiality of mental health records	Oppose: Privacy concerns for this vulnerable population.
HB 330	"Three Strikes" for prostitutes	Oppose: The ACLU sees prostitution as an issue of a women's right to self-determination, and government intrusion into private sexual expression between consenting adults. It should be legal.
SB 155	Methods of access to sex offenders' public information	Oppose: overly broad
SB 75	Public access to sex offenders' information	Oppose: overly broad
HB 516	Lifetime parole for sex offenders	Oppose: Places an additional restriction on the offenders
HB 1241 SB 1327	Include methamphetamine-related offenses for "information charging"-	Oppose: Information charging (where law enforcement replaces a grand jury in the indictment process) undermines due process of law and the chance for a fair trial.. This bill sought to further expand the list of offenses where the information charging procedure is allowable.
SB 1043	Pseudoephedrine purchasers registry and database	Oppose: The implementation of a government tracking database for purchasers of a legal medicine violates due process rights and gives law enforcement access to purchasers private medical records without warrant or subpoena.
SB 996 HB 366	Methamphetamine offenders registry and database	Oppose: This law would create a similar public database to the sex offenders registry. The implementation of a government tracking database for purchasers of a legal medicine is a violation of due process and 4th amendment rights.
HB 1242	Eliminates requirement for law enforcement to "knock and announce"	Oppose: "Knock and announce" prior to commencing searches of private homes is strongly upheld both by the 4th Amendment and by the Hawaii Constitution privacy clause.
HB 1151	"Mandatory Minimums" for certain offenses.	Oppose: Mandatory minimum sentencing eliminates judicial discretion and makes our penal system overly harsh.