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## A BILL FOR AN ACT

RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND  
CERTIFICATES.

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

1           SECTION 1. Section 602-5.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§602-5.5 Judiciary records~~[-]~~ and documents.** (a)

4 Notwithstanding the provisions of any other law to the contrary,  
5 the supreme court shall determine whether, and the extent to  
6 which, the judiciary~~[-]~~ will create, accept, retain, or store in  
7 electronic form any case, fiscal, ~~[and]~~ administrative, and  
8 process records or documents and convert written case, fiscal,  
9 ~~[and]~~ administrative, and process records or documents to  
10 electronic records.

11           (b) Notwithstanding ~~[the provisions of]~~ section 94-3, the  
12 supreme court shall determine the care, custody, and disposition  
13 of all judiciary case, fiscal, ~~[and]~~ administrative, and process  
14 records~~[-]~~ or documents. A record of dispositional activity  
15 shall be maintained stating whether a record or document was  
16 retained by the judiciary; transferred to public archives, the  
17 University of Hawaii, the Hawaiian Historical Society~~[-]~~, or



1 another agency; or destroyed. This record shall be kept on  
2 forms specified by the supreme court. One copy of the record  
3 shall be filed in the court where the records originated, and  
4 the original shall be filed with the administrative director of  
5 the courts or an agency designated by the director."

6 SECTION 2. Section 606-3, Hawaii Revised Statutes, is  
7 amended to read as follows:

8 **"§606-3 Seal of court[~~7~~]; signature; attestation. (a)**

9 Each court of record shall have a seal, [~~the device of~~] which  
10 shall be as approved by the supreme court. The seal shall [~~be~~  
11 ~~in the custody of the clerk of the court, and shall be~~] clearly  
12 show, when impressed, embossed, stamped, or imprinted upon a  
13 court document, process, or certificate, the court's title and  
14 the words "State of Hawai'i". When impressed, embossed,  
15 stamped, or imprinted upon [all] court processes and [official  
16 certificates,] court documents that are certified or  
17 exemplified, the seal shall be accompanied by the clerk's  
18 official attestation.

19 (b) Any requirement that a case, fiscal, administrative,  
20 or process document or record be signed, notarized, certified,  
21 acknowledged, verified, exemplified, or made under oath or seal  
22 is satisfied if the electronic signature or seal of the judge,



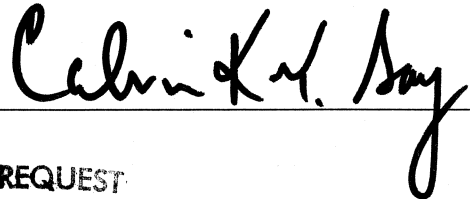
1 clerk, or other person authorized to perform these acts,  
2 together with all other information required to be included, is  
3 attached to or logically associated with the document or  
4 record."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:



BY REQUEST

JAN 23 2006



HB 2486

**Report Title:**

Judiciary Package; Court Documents and Records

**Description:**

Clarifies that court process records or documents may be created, retained and stored electronically and converted to electronic form; clarifies the requirements for court seals; and allows court documents and records to be electronically signed and sealed.

