
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.

8

INTRODUCED BY:



By Request



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.

