

PROPOSED

THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAII

S.B. NO. 2600  
S.D. 1

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

20 (b) Any requirement that a case, fiscal, administrative,  
21 or process document or record be signed, notarized, certified,  
22 acknowledged, verified, exemplified, or made under oath or seal

1 is satisfied if the electronic signature or seal of the judge,  
 2 clerk, or other person authorized to perform these acts,  
 3 together with all other information required to be included, is  
 4 attached to or logically associated with the document or  
 5 record."

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 Statutory material to be repealed is bracketed  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

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

# PROPOSED

**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. (SD1)

