

# LATE TESTIMONY



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE

YOUR REFERENCE

## POLICE DEPARTMENT COUNTY OF MAUI

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GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

January 28, 2013

The Honorable Clayton Hee, Chair  
and Members of the Committee on Judiciary and Labor  
The Senate  
Hawaii State Capitol  
Honolulu, HI 96813

RE: Senate Bill No. 1015, RELATING TO PRODUCTION OF RECORDS

Dear Chair Hee and Members of the Committee:

The Maui Police Department is in support of SB No. 1015. This bill amends provisions of Act 325, Session Laws of Hawaii 2012, which allows for the service of process issued by another state upon a Hawaii recipient and clarifies the following:

- (1) The service of process may be upon a person or business, but not a government agency;
- (2) The process is for the production of records;
- (3) The process must be based upon a pending criminal investigation or prosecution; and
- (4) The person or business being served must have conducted business or engaged in transactions occurring at least in part in the issuing state.

The Maui Police Department is in support of this bill along with several other law enforcement agencies to insure that legal process from another state will not be allowed to be served upon a person or business in Hawaii, unless that person or business has conducted business or engaged in transactions occurring at least in part in the other state. This bill is also being supported because it will not allow another state to issue process to try to compel a state agency in Hawaii to disclose protected government records.

This bill again, has several defining points that state the reason for the passage of this bill. The Maui Police Department, in an effort to support the clarification of Act 325, has only stated two important reasons that impact the public and other agencies if this bill is not passed.

The Honorable Clayton Hee, Chair  
Committee on Judiciary and Labor  
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The Maui Police Department asks for your support for S.B. No. 1015.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Yabuta".

GARY A. YABUTA *km*  
Chief of Police