
A BILL FOR AN ACT

RELATING TO PRODUCTION OF RECORDS.

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

1 SECTION 1. Section 806D-4, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§806D-4[+]~~ Service of process issued by or in another
4 state. When a Hawaii recipient is properly served with process
5 issued by or in another state~~[,]~~ that commands the production of
6 records in the actual or constructive possession of that person
7 or business, and ~~[such]~~ the process on its face purports to be a
8 valid ~~[criminal process,]~~ process based on a pending criminal
9 investigation or prosecution in that other state, the Hawaii
10 recipient shall comply with that process as if that process had
11 been issued by a Hawaii court~~[,]~~; provided that the issuing
12 state has a statute authorizing the production of records held
13 by out-of-state persons or businesses.

14 (b) The service of process issued by or in another state
15 shall include the following information:

16 (1) The name, office, business address, telephone number,
17 and email address of the person applying for the
18 issuance of the service of process;



1 (2) The criminal statute authorizing the production of
2 records held by out-of-state persons or businesses;
3 and

4 (3) The relevant criminal statutes upon which the pending
5 investigation or prosecution is based.

6 (c) As used in this section, "Hawaii recipient" means a
7 recipient who is physically present in the State of Hawaii."

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun, before the effective date of this Act.

11 SECTION 3. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

Records; Production; Out of State Service of Process

Description:

Clarifies the criminal process records law relating to the service of process issued by or in another state upon a Hawaii recipient by specifying upon whom the service of process may be made, the type of process applicable, and information that shall be provided. Requires that the requesting state has a statute authorizing the production of records held by out-of-state persons or businesses. Effective July 1, 2050. (SB1015 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

