

JAN 17 2014

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# A BILL FOR AN ACT

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RELATING TO PRODUCTION OF RECORDS.

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

1 SECTION 1. Section 806D-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "recipient" to read as  
3 follows

4 "Recipient" means a person, as defined in section 701-118,  
5 or a business, as defined in section 487J-1, that has conducted  
6 business or engaged in transactions or activities occurring at  
7 least in part in this State upon whom criminal process issued  
8 under this chapter is properly served."

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

11 "~~§~~**806D-4** **Service of process issued by or in another**  
12 **state.** (a) When a ~~[Hawaii recipient]~~ person or business, as  
13 defined in section 487J-1, located in Hawaii, excluding any  
14 government agency, is properly served with process issued by or  
15 in another state~~[,]~~ that commands the production of records in  
16 the actual or constructive possession of that person or  
17 business, and such process on its face purports to be a valid  
18 ~~[criminal process,]~~ process based on a pending criminal



1 investigation or prosecution in that other state, the [Hawaii  
2 recipient] person or business shall comply with that process as  
3 if that process had been issued by a Hawaii court[-]; provided  
4 that:

5 (1) The person or business has conducted business or  
6 engaged in transactions or activities occurring at  
7 least in part in the issuing state;

8 (2) The issuing state has a statute authorizing the  
9 production of records held by out-of-state persons or  
10 businesses; and

11 (3) The issuing state has a statute that allows for the  
12 service of process issued by or in another state upon  
13 persons or businesses within the issuing state.

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 electronic mail address of the person applying for  
18 the issuance of the service of process;

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

21 (3) The relevant criminal statutes upon which the pending  
22 investigation or prosecution is based."



# S.B. NO. 2367

1 SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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

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INTRODUCED BY: 



# S.B. NO. 2367

**Report Title:**

Production of Records; Service of Process; Criminal Investigation; Criminal Prosecution

**Description:**

Amends the definition of "recipient", as related to service of process issued by another state, to clarify that the recipient who receives process issued in Hawaii must have conducted business or engaged in transactions or activities occurring at least in part in Hawaii. Amends provisions of chapter 806D, HRS, which allow for the service of process issued by another state upon a Hawaii recipient, to clarify that: (1) 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 or activities occurring at least in part in the issuing state. Requires the issuing state to have a statute authorizing the production of records by out-of-state persons or businesses and contain a reciprocity provision. Requires the process to include specified information.

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

