

STAND. COM. REP. NO.

732

Honolulu, Hawaii

FEBRUARY 28, 2013

RE: H.B. No. 785  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 785 entitled:

"A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS,"

begs leave to report as follows:

The purpose of this measure is to clarify the service of process for records in a criminal matter issued by or in another state upon a Hawaii recipient by:

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

The Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; and the Honolulu Police Department supported this measure. A concerned individual opposed this measure.

HB785 HD1 HSCR JUD HMS 2013-2334-1



Your Committee has amended this measure by:

- (1) Removing the language that explicitly excluded any government agency;
- (2) Requiring that the issuing state has a statute authorizing the production of records held by out-of-state persons or businesses;
- (3) Requiring that the service of process issued by or in another state include specified information;
- (4) Removing the provision requiring the person or business being served to have conducted business or engaged in transactions occurring at least in part in the issuing state; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 785, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 785, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



