

Honolulu, Hawaii

APR 24 2014

RE: S.B. No. 1015  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1015, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify the reciprocity provision under existing law that allows the service of process issued by another state upon a Hawaii recipient. Specifically, this measure:

- (1) Clarifies that the service of process is for the production of records in the actual or constructive possession of that person or business;
- (2) Clarifies that the service of process is based upon a pending criminal investigation or prosecution in that other state;



- (3) Requires that the Hawaii recipient comply with the service of process if the issuing state has a statute authorizing the production of records held by out-of-state persons or businesses;
- (4) Specifies the types of information that the service of process issued by or in another state is required to include; and
- (5) Adds a definition of "Hawaii recipient".

Your Committee on Conference finds that existing law requires an entity located in Hawaii to comply with the criminal process issued by another state as if that process had been issued by a Hawaii court. This measure provides further clarity and addresses several concerns regarding this long-arm service of process statute.

Your Committee on Conference has amended this measure by:

- (1) Inserting language to amend the definition of "recipient" under section 806D-1, Hawaii Revised Statutes, to clarify that a recipient is a person or business that has conducted business or engaged in transactions or activities that occurred at least in part in the state from which process was issued upon whom process is properly served;
- (2) Changing the effective date from July 1, 2050, to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

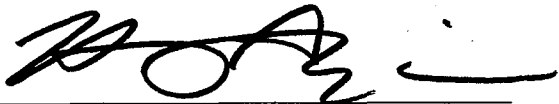
As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1015, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1015, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



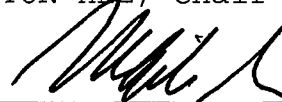
HENRY J.C. AQUINO, Co-Chair



KARL RHOADS, Co-Chair



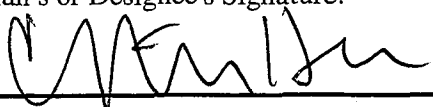
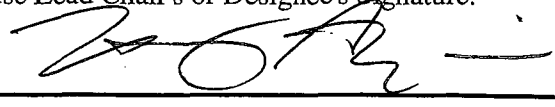
CLAYTON HEE, Chair



MAILE S.L. SHIMABUKURO, Co-Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 1015, SD 1, HD 1</b>					Date/Time: <u>4/22<sup>ND</sup>/14</u> <u>1:38 pm</u>						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
HEE, Clayton, Chr.		✓				AQUINO, Henry J.C., Co-Chr.		✓			
SHIMABUKURO, Maile S.L., Co-Chr.		✓				RHOADS, Karl, Co-Chr.		✓			
SLOM, Sam					✓	YAMANE, Ryan I.		✓			
						MCDERMOTT, Bob					✓
TOTAL		2			1	TOTAL		3			1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted						<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:				Original		Yellow		Pink		Goldenrod	
				File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency	