

Honolulu, Hawaii
January 31, 2014

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1015, S.D. 1, 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 that a Hawaii person or business, excluding a government agency, shall comply with service of process for production of records in a criminal investigation or proceeding if the person or business being served has 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 of the City and County of Honolulu, and Honolulu Police Department provided testimony in support of this measure.

Your Committee previously heard and passed a similar bill, H.B. No. 785, H.D. 1, which crossed over to the Senate and carried over from the Regular Session of 2013. Your Committee prefers the approach taken in H.B. No. 785, H.D. 1, and has amended this measure to incorporate the substantive provisions of that bill. Accordingly, this bill has been amended by:



- (1) Requiring a Hawaii recipient, instead of a person or business who has conducted business or engaged in transactions occurring in the issuing state, to comply with the service process requirements;
- (2) Defining "Hawaii recipient" as a recipient (which is defined in section 806D-1, Hawaii Revised Statutes) who is physically present in the State of Hawaii;
- (3) Specifying that a Hawaii recipient must comply with service of process if the issuing state has a statute authorizing the production of records held by out-of-state persons or businesses;
- (4) Requiring the service of process issued by or in another state to include the contact information for the person applying for the issuance of the service of process; statutory authority for production of records; and relevant statutory authority upon which the pending investigation or prosecution is based; and
- (5) Making technical, nonsubstantive amendments for the purposes of 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 S.B. No. 1015, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1015, S.D. 1, H.D. 1.

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



KARL RHOADS, Chair



