

STAND. COM. REP. NO.

2068

Honolulu, Hawaii

FEB 05 2014

RE: S.B. No. 2367

S.D. 1

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

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 2367 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify persons or businesses that may be served
criminal process under Hawaii law;
- (2) Specify circumstances under which certain persons or
businesses located in Hawaii may be served criminal
process issued by or in another state; and
- (3) Specify information the service of process issued by or
in another state must include.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu; Police Department, City and County of Honolulu; and
Department of the Attorney General.

Your Committee finds that Act 325, Session Laws of Hawaii
2012, codified as chapter 806D, Hawaii Revised Statutes, created a
criminal long arm statute to authorize Hawaii courts to order the
production of records, including electronic records, held by
entities outside of the State for criminal matters. Prior to the
enactment of chapter 806D, Hawaii Revised Statutes, out-of-state

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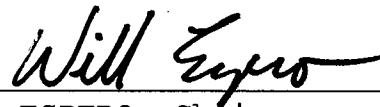


entities could not be compelled to comply with service of process in criminal matters issued by Hawaii courts. However, as the Department of the Attorney General notes in testimony, several issues have arisen out of this law, including a lack of a nexus requirement between a Hawaii recipient of process and the service-issuing state, confusion regarding the use of certain terms, and the potential for other states to issue process in an attempt to compel government agencies to disclose protected records. Your Committee finds that this measure is necessary to correct these issues and improve the application of the criminal process records law.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2367, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2367, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB 2367	Committee Referral: PSM, JDL	Date: 1-28-2014		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, Will (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
GALUTERIA, Brickwood				✓
GREEN, Josh	✓			
SLOM, Sam				✓
TOTAL	3	-	-	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes