

SB 2367

RELATING TO PRODUCTION OF RECORDS

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.

PSM, JDL

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

January 28, 2014

RE: S.B. 2367; RELATING TO PRODUCTION OF RECORDS.

Chair Espero, Vice-Chair Baker and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments in support of Senate Bill 2367.

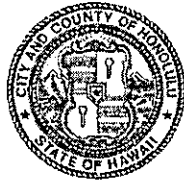
Senate Bill 2367

- 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; and
- Requires the process to include specified information.

Senate Bill 2367 helps to fine-tune our production of records law, thus, we support passage of this bill. Thank you for the opportunity to testify on this matter.

POLICE DEPARTMENT
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OUR REFERENCE TN-DNK

January 28, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety,
Intergovernmental and Military Affairs
State Senate
Hawaii State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

SUBJECT: Senate Bill No. 2367, Relating to Production of Records

I am Captain Jeffery Richards of the Records and Identification Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2367, Relating to Production of Records. This bill clarifies and expounds on the provisions of Act 325, Session Laws of Hawaii 2012, which allow for the service of process issued by another state upon a Hawaii recipient.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Richards".

Jeffrey D. Richards, Captain
Records and Identification Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoha".

Louis M. Kealoha
Chief of Police