

Honolulu, Hawaii

APR 29 2016

RE: S.B. No. 2108  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2108, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCESS,"

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 authorize the Attorney General and county prosecuting attorneys to use administrative subpoenas to obtain records in criminal investigations, regardless of whether the recipient or the records are physically located within the State.

Your Committee on Conference finds that during all phases of a criminal case, the Attorney General and county prosecutors frequently need to obtain records from an entity located outside of the State. However, existing law pertaining to criminal records process only authorizes the use of grand jury subpoenas and trial subpoenas to obtain records held by entities located outside of the State. As a result, the Attorney General and county prosecutors



have no authority to use administrative subpoenas to obtain records that are held by entities located outside of the State during the investigative phase of a criminal case. Implementation of this measure will facilitate criminal investigations and properly enable the use of subpoenas during all phases of a criminal case.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

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. 2108, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2108, 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

*Karl Rhoads*

KARL RHOADS, Co-Chair

*Lynn De Coite*

LYNN DECOITE, Co-Chair

*A.C. Keith-Agaran*

GILBERT S.C. KEITH-AGARAN, Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2108, HD 1</b>					Date/Time: <b>4/28/16 2:15 PM</b>				
<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
KEITH-AGARAN, Gilbert S.C., Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
KAHELE, Kaiali'i	✓				DECOITE, Lynn, Co-Chr.	✓			
SHIMABUKURO, Maile S.L.	✓				SAN BUENAVENTURA, Joy A.	✓			
					MCDERMOTT, Bob				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>1</b>
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <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: 				
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