



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

S.B. NO. 2108, RELATING TO CRIMINAL PROCESS.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, April 05, 2016

TIME: 2:31 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General supports this bill.

The purpose of this bill is to amend chapter 806D, Hawaii Revised Statutes (HRS), entitled Criminal Process Records, to allow the Attorney General and the county prosecuting attorneys to use administrative subpoenas for criminal investigations to obtain records held by entities located outside of the State.

This bill amends the definition of "criminal process" under section 806D-1, HRS, to include subpoenas issued pursuant to chapter 28, HRS. Section 28-2.5, HRS, authorizes the Attorney General and the county prosecuting attorneys to issue administrative subpoenas for purposes of criminal investigations. By expanding the definition of "criminal process" to include the administrative subpoenas, this bill will help these authorities obtain records from entities located outside the State and thereby facilitate criminal investigations.

The Department respectfully requests the passage of this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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**THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawai`i**

April 5, 2016

RE: S.B. 2108; RELATING TO CRIMINAL PROCESS.

Chair Luke, Vice-Chair Nishimoto and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in strong support of S.B. 2108. This bill is part of the Department's 2016 Legislative Package.

Chapter 806D of the Hawaii Revised Statutes ("HRS"), entitled Criminal Records Process, was enacted in 2012. One of the primary purposes of Chapter 806D was to authorize parties in a criminal case to issue subpoenas to entities located outside the State. HRS §806D-1 currently defines "criminal process" to include subpoenas issued pursuant to HRS Chapters 621, 622, and 803, which authorize the use of grand jury and trial subpoenas.

The purpose of S.B. 2108 is to amend the definition of "criminal process" by adding subpoenas issued pursuant to HRS Chapter 28. Under HRS Chapter 28, specifically, HRS §28-2.5, the attorney general and county prosecutors are authorized to issue subpoenas when conducting criminal investigations. Often times, subpoenas are issued for records held by entities located outside the State, for example many financial institutions.

S.B. 2108 will permit the attorney general and county prosecutors to issue subpoenas for records located outside the State during the investigative stage of the case. In short, this will properly enable the use of subpoenas during all phases of a criminal case – the investigation, grand jury, and trial.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2108. Thank you for the opportunity to testify on this matter.