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# A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that Act 278, Session  
2 Laws of Hawaii 2022, established a new department of law  
3 enforcement to consolidate and administer state criminal law  
4 enforcement and investigations of various state departments.  
5 The legislature further finds that in order for the department  
6 of law enforcement to fully exercise investigative powers it  
7 must have subpoena powers.

8           The purpose of this Act is to:

- 9           (1) Require the director of law enforcement to investigate  
10           alleged violations of the law when directed to do so  
11           by the governor or when the director determines that  
12           an investigation would be in the public interest; and  
13           (2) Authorize the director of law enforcement to issue  
14           subpoenas as part of the investigative powers of the  
15           department of law enforcement.



1 SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§353C- Investigations. (a) The director shall  
5 investigate alleged violations of the law when directed to do so  
6 by the governor, or when the director determines that an  
7 investigation would be in the public interest.

8 (b) The director, when conducting a civil, administrative,  
9 or criminal investigation, may, subject to the privileges  
10 enjoyed by all witnesses in the State, subpoena witnesses,  
11 examine them under oath, and require the production of any  
12 books, papers, documents, or other objects designated therein or  
13 any other record however maintained, including those  
14 electronically stored that are relevant or material to the  
15 investigation.

16 (c) A subpoena issued under subsection (b):  
17 (1) Shall state the name of the issuing authority and  
18 command each person to whom it is directed to attend  
19 and give testimony at the time and place specified  
20 therein, and may also command the person to whom it is



1           directed to produce books, papers, documents, or other  
2           objects specifically designated therein;  
3           (2) May be served by any law enforcement officer as  
4           defined in section 139-1 at any place within the State  
5           but subject to the jurisdiction of the issuing law  
6           enforcement officer serving the subpoena;  
7           (3) Shall require attendance of the witness only in the  
8           county wherein the witness is served with the subpoena  
9           or at any other place as is agreed upon by the witness  
10           and department; provided that, if the subpoena is  
11           served in a county other than that in which the  
12           witness resides or is employed or transacts the  
13           witness' business in person, the department shall bear  
14           the expense of travel by the witness to and attendance  
15           at the place named in the subpoena to the same extent  
16           as provided by the rules of court; and  
17           (4) Shall contain a short, plain statement of the  
18           recipient's rights and the procedure for enforcing and  
19           contesting the subpoena.  
20           (d) The department shall pay to a financial institution  
21 that is served a subpoena issued under this section a fee for



1 reimbursement of the costs as are necessary and that have been  
2 directly incurred in searching for, reproducing, or transporting  
3 books, papers, documents, or other objects designated by the  
4 subpoena. Reimbursement shall be paid at the rate of \$15 per  
5 hour for research time and 50 cents per page for reproduction.

6 (e) Upon application by the attorney general on behalf of  
7 the department, a circuit court of the county wherein the  
8 witness resides or is found may compel obedience to the  
9 subpoena; provided that the court, on motion promptly made, may  
10 quash or modify the subpoena if compliance would be unreasonable  
11 or oppressive or violate any privilege the witness may be  
12 entitled to exercise in a court proceeding.

13 (f) Compliance with a subpoena issued pursuant to this  
14 section shall not give rise to a civil action for damages by an  
15 individual or entity as to whom testimony has been given or  
16 books, papers, documents, or other objects provided in  
17 compliance with the subpoena."

18 SECTION 3. New statutory material is underscored.

19 SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Law Enforcement; Subpoena Powers

**Description:**

Clarifies that the Director of Law Enforcement has authority to issue subpoenas as part of the investigative powers of the Department of Law Enforcement. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

