
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 for the department of law
6 enforcement to fully exercise investigative powers, it must have
7 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, 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
11 unreasonable, oppressive, or violate any privilege the witness
12 may be 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 April 14, 2112.



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. Takes effect 4/14/2112. (SD2)

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