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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 passed Act 278, Session Laws of  
2 Hawaii 2022, that 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 finds that in order for the department to fully  
6 exercise investigative powers it must have subpoena powers. The  
7 purpose of this Act is to clarify that the director of law  
8 enforcement has authority to issue subpoenas as part of the  
9 investigative powers of the department.

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

13           "§353C- Investigations. (a) The director shall  
14 investigate alleged violations of the law when directed to do so  
15 by the governor, or when the director determines that an  
16 investigation would be in the public interest.

17           (b) The director, when conducting a civil, administrative,  
18 or criminal investigation, may, subject to the privileges

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1 enjoyed by all witnesses in this State, subpoena witnesses,  
2 examine them under oath, and require the production of any  
3 books, papers, documents, or other objects designated therein or  
4 any other record however maintained, including those  
5 electronically stored, which are relevant or material to the  
6 investigation.

7 (c) A subpoena issued under subsection (b):

8 (1) Shall state the name of the issuing authority and  
9 shall command each person to whom it is directed to  
10 attend and give testimony at the time and place  
11 specified therein, and may also command the person to  
12 whom it is directed to produce books, papers,  
13 documents, or other objects specifically designated  
14 therein;

15 (2) May be served by any law enforcement officer as  
16 defined in section 139-1 at any place within the State  
17 but subject to the jurisdiction of the issuing law  
18 enforcement officer serving the subpoena;

19 (3) Shall require attendance of the witness only in the  
20 county wherein the witness is served with the subpoena  
21 or at such other place as is agreed upon by the  
22 witness and the department; provided that, if the

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1           subpoena is served in a county other than that in  
2           which the witness resides or is employed or transacts  
3           the witness' business in person, the department shall  
4           bear the expense of travel by the witness to and  
5           attendance at the place named in the subpoena to the  
6           same extent as provided by the rules of court; and  
7           (4) Shall contain a short, plain statement of the  
8           recipient's rights and the procedure for enforcing and  
9           contesting the subpoena.

10           (d) The department shall pay to a financial institution  
11 that is served a subpoena issued under this section a fee for  
12 reimbursement of such costs as are necessary and that have been  
13 directly incurred in searching for, reproducing, or transporting  
14 books, papers, documents, or other objects designated by the  
15 subpoena. Reimbursement shall be paid at the rate of \$15 per  
16 hour for research time and 50 cents per page for reproduction.

17           (e) Upon application by the attorney general on behalf of  
18 the department, a circuit court of the county wherein the  
19 witness resides or is found may compel obedience to the  
20 subpoena; provided that the court, on motion promptly made, may  
21 quash or modify the subpoena if compliance would be unreasonable

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1 or oppressive or violate any privilege the witness may be  
2 entitled to exercise in a court proceeding.

3 (f) Compliance with a subpoena issued pursuant to this  
4 section shall not give rise to a civil action for damages by an  
5 individual or entity as to whom testimony has been given or  
6 documents or other things provided in compliance with the  
7 subpoena."

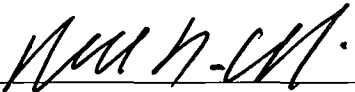
8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act, upon its approval, shall take effect  
10 on July 1, 2024.

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INTRODUCED BY:



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BY REQUEST

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**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.

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

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## JUSTIFICATION SHEET

DEPARTMENT: LAW ENFORCEMENT

TITLE: A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

PURPOSE: To clarify that the Director of Law Enforcement has authority to issue subpoenas as part of the investigative powers of the department.

MEANS: Add a new section to chapter 353C, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Law Enforcement currently lacks the authority to issue subpoenas to carry out the legislative mandate to conduct investigations. This amendment is necessary if the department is to successfully conduct its investigations.

Impact on the public: The ability of the department to enforce the laws and conduct investigations will directly benefit the public by reducing crime and increasing the overall safety and security of the public.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: Law 900.

OTHER AFFECTED AGENCIES: None.

EFFECTIVE DATE: July 1, 2024.