

ACT 170

H.B. NO. 122

A Bill for an Act Relating to Investigative Power of the Attorney General.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 28-2.5, Hawaii Revised Statutes, is amended to read as follows:

“[[]§28-2.5[]] Investigations. [When the attorney general deems it advisable or necessary in the public interest or when directed to do so by the governor, he shall conduct investigations of alleged violations of law. The attorney general, his deputy, or other officer designated by him, is empowered

pursuant to the rules of court to subpoena witnesses, examine them under oath, and require the production of any books, papers, documents or objects which he deems relevant or material to the inquiry. Upon application by the attorney general, obedience to the subpoena may be enforced by the circuit court in the county where the person subpoenaed resides or is found in the same manner as a subpoena issued by the clerk of a circuit court.] The attorney general shall investigate alleged violations of the law when directed to do so by the governor, or when the attorney general determines that an investigation would be in the public interest.

- (1) (A) When the department of the attorney general conducts a general investigation, the attorney general or a designated subordinate may subpoena witnesses, examine them under oath, and require the production of any books, papers, documents, or objects that are relevant to the inquiry.
- (B) When the department of the attorney general serves a subpoena under subparagraph (A), it shall attach to the subpoena a short and plain statement of the recipient's rights and the procedures for enforcing and contesting the subpoena.
- (2) (A) However, when the matter under investigation is the subject of a civil or criminal adjudication, or when the attorney general or a designated subordinate determines that an adjudication is more probable than not, the office of the attorney general shall be subject to the relevant rules of court and shall exercise subpoena powers no different than those available to the probable opposing party.
- (B) Upon application by the attorney general, obedience to subpoenas issued by the department of the attorney general may be enforced by the circuit court in the county where the person subpoenaed resides or is found."

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 17, 1986.)