STAND. COM. REP. NO.

Honolulu, Hawaii **RE:** H.B. No. 785 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 785 entitled:

"A BILL FOR AN ACT RELATING TO PRODUCTION OF RECORDS,"

begs leave to report as follows:

The purpose of this measure is to clarify the service of process for records in a criminal matter issued by or in another state upon a Hawaii recipient by:

- Specifying that the service of process may be upon a person or business, but not a government agency;
- Specifying that the process is for the production of records;
- (3) Clarifying that the process must be based upon a pending criminal investigation or prosecution in another state and issued pursuant to the law of the issuing state; and
- (4) Requiring that the person or business being served must have conducted business or engaged in transactions occurring at least in part in the issuing state.

The Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; and the Honolulu Police Department supported this measure. A concerned individual opposed this measure.

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Your Committee has amended this measure by:

- Removing the language that explicitly excluded any government agency;
- (2) Requiring that the issuing state has a statute authorizing the production of records held by out-ofstate persons or businesses;
- (3) Requiring that the service of process issued by or in another state include specified information;
- (4) Removing the provision requiring the person or business being served to have conducted business or engaged in transactions occurring at least in part in the issuing state; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 785, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 785, H.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

Kal Ahord

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

HECR132

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB785	Committee Referral: Date:			
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	<u> </u>			
2. HAR, Sharon E. (VC)	×			
3. BELATTI, Della Au				-
4. BROWER, Tom	<u> </u>			
5. CABANILLA, Rida T.R.	<u>`</u> X			
6. CARROLL, Mele	<u> </u>			
7. ITO, Ken	/			X
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	<u> </u>			
10. TSUJI, Clift	<u> </u>			
11. WOOLEY, Jessica	<u> </u>			
12. MCDERMOTT, Bob	<u> </u>			
13. THIELEN, Cynthia	<u> </u>			
	/			
TOTAL (13)	0 12			
The recommendation is: Adopted If joint referral did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				
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