

Honolulu, Hawaii anuam

S.B. No. 1015

S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1015, S.D. 1, 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 that a Hawaii person or business, excluding a government agency, shall comply with service of process for production of records in a criminal investigation or proceeding if the person or business being served has 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 of the City and County of Honolulu, and Honolulu Police Department provided testimony in support of this measure.

Your Committee previously heard and passed a similar bill, H.B. No. 785, H.D. 1, which crossed over to the Senate and carried over from the Regular Session of 2013. Your Committee prefers the approach taken in H.B. No. 785, H.D. 1, and has amended this measure to incorporate the substantive provisions of that bill. Accordingly, this bill has been amended by:

- (1) Requiring a Hawaii recipient, instead of a person or business who has conducted business or engaged in transactions occurring in the issuing state, to comply with the service process requirements;
- (2) Defining "Hawaii recipient" as a recipient (which is defined in section 806D-1, Hawaii Revised Statutes) who is physically present in the State of Hawaii;
- (3) Specifying that a Hawaii recipient must comply with service of process if the issuing state has a statute authorizing the production of records held by out-of-state persons or businesses;
- (4) Requiring the service of process issued by or in another state to include the contact information for the person applying for the issuance of the service of process; statutory authority for production of records; and relevant statutory authority upon which the pending investigation or prosecution is based; and
- (5) Making technical, nonsubstantive amendments for the purposes of 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 S.B. No. 1015, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 1015, S.D. 1, H.D. 1.

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

KARL RHOADS, Chair



State of Hawaii House of Representatives The Twenty-seventh Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:	
SB 1015 HOI	PBS, JUD		01/24/14	
☐ 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)				
2. HAR, Sharon E. (VC)			 -	
3. BELATTI, Della Au				
4. BROWER, Tom				
5. CREAGAN, Richard		7	· .	
6. ITO, Ken				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris				
9. NAKASHIMA, Mark M.				1
10. TSUJI, Clift				
11. WOOLEY, Jessica		·		
12. MCDERMOTT, Bob		_		_
13. THIELEN, Cynthia				/
-				
TOTAL (13)	- 7			6
The recommendation is: Adopted • Not Adopted				
If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				