

A Bill for an Act Relating to Production of Records.

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

SECTION 1. Section 806D-1, Hawaii Revised Statutes, is amended by amending the definition of "recipient" to read as follows:

""Recipient" means a person, as defined in section 701-118, or a business, as defined in section 487J-1, that has conducted business or engaged in transactions or activities occurring at least in part in ~~[this State]~~ the state from which process was issued upon whom ~~[criminal]~~ process ~~[issued under this chapter]~~ is properly served."

SECTION 2. Section ~~806D-4~~, Hawaii Revised Statutes, is amended to read as follows:

~~["§806D-4"]~~ Service of process issued by or in another state. (a) When a Hawaii recipient is properly served with process issued by or in another state^[5] that commands the production of records in the actual or constructive possession of that person or business, and such process on its face purports to be a valid ~~[criminal process.]~~ process based on a pending criminal investigation or prosecution in that other state, the Hawaii recipient shall comply with that process as if that process had been issued by a Hawaii court^[-]; provided that the issuing state has a statute authorizing the production of records held by out-of-state persons or businesses.

(b) The service of process issued by or in another state shall include the following information:

- (1) The name, office, business address, telephone number, and electronic mail address of the person applying for the issuance of the service of process;
- (2) The statute authorizing the production of records held by out-of-state persons or businesses; and
- (3) The relevant criminal statutes upon which the pending investigation or prosecution is based.

(c) As used in this section, "Hawaii recipient" means a recipient who is physically present in the State of Hawaii."

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act.

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved July 7, 2014.)