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 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 process based on a pending criminal investigation or prosecution in that other state."

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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 Statutory material to be repealed is bracketed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.
Report Title:
Records; Production; Out of State Service of Process

Description:
Clarifies the criminal process records law relating to the service of process issued by or in another state upon a Hawaii recipient by specifying upon whom the service of process may be made, the type of process applicable, and information that shall be provided. Requires that the requesting state has a statute authorizing the production of records held by out-of-state persons or businesses. (CD1)

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