

STAND. COM. REP. NO.

2007

Honolulu, Hawaii

FEB 02 2016

RE: S.B. No. 2108

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2108 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCESS,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the attorney general and county prosecuting attorneys to use administrative subpoenas to obtain records in criminal investigations, regardless of whether the recipient or the records are physically located within the State.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Kauai, and Department of the Prosecuting Attorney of the County of Maui.

Your Committee finds that during all phases of a criminal case, the Attorney General and county prosecutors frequently need to obtain records from an entity located outside of the State. However, existing law pertaining to criminal records process only authorizes the use of grand jury subpoenas and trial subpoenas to obtain records held by entities located outside of the State. As a result, the Attorney General and county prosecutors have no authority to use administrative subpoenas to obtain records that are held by entities located outside of the State during the investigative phase of a criminal case. Implementation of this measure will facilitate criminal investigations and properly enable the use of subpoenas during all phases of a criminal case.

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As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2108 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



GILBERT S.C. KEITH-AGARAN, Chair



