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# A BILL FOR AN ACT

RELATING TO PRODUCTION OF RECORDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

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

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

12 "[+]§806D-4[+] **Service of process issued by or in another**  
13 **state.** (a) When a Hawaii recipient is properly served with  
14 process issued by or in another state[7] that commands the  
15 production of records in the actual or constructive possession  
16 of that person or business, and such process on its face  
17 purports to be a valid [~~criminal process,~~] process based on a  
18 pending criminal investigation or prosecution in that other



1 state, the Hawaii recipient shall comply with that process as if  
2 that process had been issued by a Hawaii court[-]; provided that  
3 the issuing state has a statute authorizing the production of  
4 records held by out-of-state persons or businesses.

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

7 (1) The name, office, business address, telephone number,  
8 and electronic mail address of the person applying for  
9 the issuance of the service of process;

10 (2) The statute authorizing the production of records held  
11 by out-of-state persons or businesses; and

12 (3) The relevant criminal statutes upon which the pending  
13 investigation or prosecution is based.

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

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

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 Statutory material to be repealed is bracketed  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

21 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)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

