

JAN 18 2012

A BILL FOR AN ACT

RELATING TO COURT FEES.

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

1 SECTION 1. Section 607-4, Hawaii Revised Statutes, is
2 amended by amending subsections (d) and (e) to read as follows:

3 "(d) Sheriff's [~~or~~], private civil process server's, or
4 police officer's fees[÷] shall be as follows:

5 (1) For serving any criminal summons, warrant, attachment,
6 or other criminal process, \$30 effective July 1,
7 2001[÷];

8 (2) For serving any civil summons, warrant, attachment, or
9 other civil process, [~~\$25~~] \$40 effective July 1,
10 [2001-] 2012;

11 (3) For every copy of an attachment and inventory of the
12 property attached, served upon the defendant, \$2[÷];

13 (4) For serving any execution, 12 cents for every \$1
14 collected up to \$500, and 7 cents for every \$1 over
15 \$500[÷];

16 (5) For serving: subpoena, [~~\$25~~] \$40 and subpoena duces
17 tecum or garnishee summons, [~~\$15~~] \$40 effective July
18 1, [2001-] 2012; and



1 (6) For every mile of travel, more than one, in serving
2 any process, 40 cents; provided that (A) no allowance
3 shall be made where the serving officer uses a
4 conveyance furnished the serving officer by the State,
5 or any political or municipal subdivision thereof; (B)
6 where the serving officer serves more than one person
7 in the course of one trip, the serving officer shall
8 not charge, in the aggregate for all services, more
9 than the mileage for the entire trip; and (C) as far
10 as practicable, in order to minimize the mileage fees
11 for the service, the sheriff or other chief of the
12 serving officers, where service of process is to be
13 made upon an island other than that upon which is
14 situated the court issuing the process, shall cause
15 the process to be transmitted to a deputy, the chief
16 of police or other serving officer upon the island of
17 service, who shall make the service upon receipt of
18 the process; and the service shall be valid,
19 notwithstanding that the process may not be addressed
20 to the officer actually making the service or to the
21 officer's superior.



1 In lieu of any fee under this [~~subsection,~~] subsection and
2 except in the case of a private civil process server, the fee
3 may be an hourly rate of not less than \$50 per hour agreed upon
4 in advance between the party requesting the service and the
5 sheriff or police officer performing the service.

6 Private civil process servers shall be duly qualified by
7 law.

8 (e) [~~Anything in this section or any other law to the~~
9 ~~contrary notwithstanding, when any process or subpoena is served~~
10 ~~by a subordinate of the sheriff or chief of police, it shall be~~
11 ~~illegal for the sheriff or chief of police, (1) if and so long~~
12 ~~as the sheriff or chief of police is being paid a salary by the~~
13 ~~State or the county to receive or collect from such subordinate~~
14 ~~any portion of the fees, mileage, or other expenses collected by~~
15 ~~such subordinate, or (2) if and so long as the sheriff or chief~~
16 ~~of police is not being paid any such salary, to collect or~~
17 ~~receive from such subordinate more than ten per cent of the fees~~
18 ~~accruing from such service, or any portion of the mileage or~~
19 ~~other expenses collected by such subordinate.] Where a subpoena
20 is served in behalf of the State or any county by a nonsalaried
21 subordinate of the sheriff or chief of police, the regular fee
22 for such service shall be payable to such subordinate. Nothing~~



1 herein contained shall be deemed to prohibit the police
2 commission of any county from requiring all such fees, mileage,
3 and expenses, excluding fees, mileage, and expenses of private
4 civil process servers, to be paid into a police benefit fund."

5 SECTION 2. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 3. This Act shall take effect on July 1, 2012.

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INTRODUCED BY:

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Report Title:

Court Fees; Civil Process Servers

Description:

Increases fees for service of civil process. Repeals authority of the sheriff or police chief to retain a percentage of service of process fees or expenses from salaried and non-salaried process servers.

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