

JAN 20 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 subsection (d) to read as follows:
- 3 "(d) Sheriff's or police officer's fees:
- 4 (1) For serving any criminal summons, warrant, attachment,
5 or other criminal process, [~~\$30 effective July 1,~~
6 ~~2001.~~] \$50;
- 7 (2) For serving any civil summons, warrant, attachment, or
8 other civil process, [~~\$25 effective July 1, 2001.~~
9 \$40;
- 10 (3) For every copy of an attachment and inventory of the
11 property attached, served upon the defendant, [~~\$2.~~
12 \$3;
- 13 (4) For serving any execution, [~~12~~] 16 cents for every \$1
14 collected up to \$500, and [~~7~~] 10 cents for every \$1
15 over \$500 [~~-~~];
- 16 (5) For serving: subpoena, [~~\$25.~~] \$40; and subpoena duces
17 tecum or garnishee summons, [~~\$15 effective July 1,~~
18 ~~2001.~~] \$35; and



1 (6) For every mile of travel, more than one, in serving
2 any process, [~~40~~] 60 cents; provided that [~~(A) no~~]:
3 (A) No allowance shall be made where the serving
4 officer uses a conveyance furnished the serving
5 officer by the State, or any political or
6 municipal subdivision thereof;
7 (B) [~~where~~] Where, the serving officer serves more
8 than one person in the course of one trip, the
9 serving officer shall not charge, in the
10 aggregate for all services, more than the mileage
11 for the entire trip; and
12 (C) [~~as~~] As far as practicable, in order to minimize
13 the mileage fees for the service, the sheriff or
14 other chief of the serving officers, where
15 service of process is to be made upon an island
16 other than that upon which is situated the court
17 issuing the process, shall cause the process to
18 be transmitted to a deputy, the chief of police
19 or other serving officer upon the island of
20 service, who shall make the service upon receipt
21 of the process; and the service shall be valid,
22 notwithstanding that the process may not be



1 addressed to the officer actually making the
2 service or to the officer's superior.

3 In lieu of any fee under this subsection, the fee may be an
4 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in
5 advance between the party requesting the service and the sheriff
6 or police officer performing the service."

7 SECTION 2. Section 607-8, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) For all necessary travel in making the service, per
10 mile for every mile more than [~~one...40~~] one, 60 cents provided
11 that:

12 (1) No allowance shall be made where the serving officer
13 uses a conveyance furnished the serving officer by the
14 State, or any political or municipal subdivision
15 thereof;

16 (2) Where the serving officer serves more than one person
17 in the course of one trip, the serving officer shall
18 not charge, in the aggregate for all services more
19 than the mileage for the entire trip; and

20 (3) As far as practicable, in order to minimize the
21 mileage fees for the service, the sheriff or other
22 chief of the serving officers, where service of



1 process is to be made upon an island other than that
2 upon which is situated the court issuing the process,
3 shall cause the process to be transmitted to a deputy,
4 the chief of police, or other serving officer upon the
5 island of service who shall make the service upon
6 receipt of the process; and the service shall be
7 valid, notwithstanding that the process may not be
8 addressed to the officer actually making the service
9 or to the officer's superior.

10 For serving criminal summons or any other criminal process
11 except a subpoena, for each person served therewith [~~\$30~~
12 ~~effective July 1, 2001.~~], \$50.

13 For serving civil summons or any other civil process,
14 except a subpoena or a garnishee summons, for each person served
15 therewith [~~\$25 effective July 1, 2001.~~], \$40.

16 For serving: subpoena, for each person, [~~\$25,~~] \$40; and
17 subpoena duces tecum or garnishee summons, for each person [~~\$15~~
18 ~~effective July 1, 2001.~~], \$35.

19 For returning as unserved after due and diligent search any
20 process when it has been found that the person to be served has
21 left the State [~~\$5 effective July 1, 2001.~~], \$10.



1 For serving any execution or other process for the
2 collection of money, for every dollar collected up to \$1,000
3 [~~5~~], 9 cents.

4 And for every dollar over \$1,000 [~~2-1/2~~], 5 cents.

5 All fees paid to any printer for publishing an
6 advertisement of the sale of any property.

7 For every bill of sale [~~\$2-~~], \$4.

8 For executing and acknowledging a deed pursuant to a
9 sale of real estate to be paid by the grantee in the deed
10 [~~\$8-~~], \$10.

11 For drawing any bond required by law [~~\$2-~~], \$4.

12 For serving writ of possession or restitution,
13 putting any person entitled into the possession of
14 premises, and removing a tenant pursuant to order of court
15 [~~\$25-~~], \$40.

16 Together with all necessary expenses incurred by the
17 officer serving the writ, incident to the eviction.

18 For selling any property on an order from the court other
19 than an execution, the same allowance as for service and sales
20 by execution.

21 The fees for service of executions, attachments, and
22 collection of judgments, together with all costs incurred after



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1 judgment rendered, not included in the judgment, in all courts
 2 of the State, shall be collected in addition to the sum directed
 3 to be levied and collected in the writ.

4 In lieu of any fee under this subsection, the fee may be an
 5 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in
 6 advance between the party requesting the service and the sheriff
 7 or police officer performing the service."

8 SECTION 3. Statutory material to be repealed is bracketed
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect on July 1, 2012.

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S.B. NO. 2242

Report Title:

Sheriff; Service Fees; Court Fees; Serving Officers; Police Officers

Description:

Increases various court service fees of the sheriff, police officers, and serving officers.

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