

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE BILL 2601 HD2
A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

House Committee on Finance
Representative Marcus R. Oshiro, Chair
Representative Marilyn B. Lee, Vice Chair

Thursday, February 23, 2012, 11:00 AM
State Capitol, Conference Room 308

Chair Oshiro, Vice Chair Lee, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill 2601 HD2 that would update the Hawaii Revised Statutes (HRS) to authorize persons authorized by the courts to serve legal process.

In 2001 the Civil Section of the Sheriff Division was discontinued and since then, the Department has been generating a list of private process servers that are authorized to serve:

1. Order to Show Cause pursuant to Sections 603 and 604, HRS
2. Writs of Attachment and Execution pursuant to Section 631, HRS
3. Garnishment documents pursuant to Section 652, HRS
4. Writs of Replevin pursuant to Section 634, HRS and
5. Writs of Possession pursuant to Section 666, HRS.

House Bill 2601 HD2 will update the HRS to allow not just sheriffs and police to serve these types of process but persons authorized by the rules of court.

The Department conducted a review of the statutes pertaining to the service of process and found that the language being used throughout the statutes were inconsistent. House Bill 2601 HD2 will amend these sections and allow for

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persons authorized by the rules of the court to serve all process except for relating to criminal process.

Thank you for the opportunity to testify on this matter.