

HB 2601, HD3

RELATING TO THE SERVICE OF PROCESS

Description:

Update the statutes to authorize persons authorized by the rules of court to serve legal process, except criminal process, and execute specified court orders. (HB2601 HD3)

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE BILL 2601 HD3
A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

Senate Committee on Public Safety, Government Operations, and Military Affairs
Senator Will Espero, Chair
Senator Michelle N. Kidani, Vice Chair

Senate Committee on Judiciary and Labor
Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Tuesday, April 3, 2012; 10:00 A.M.
State Capitol, Conference Room 016

Chairs Espero and Hee, Vice Chairs Kidani and Shimabukuro, and Members of the
Committees:

The Department of Public Safety (PSD) supports House Bill 2601 HD3 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.

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House Bill 2601 HD3 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 HD3 will amend these sections and allow for 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.