
A BILL FOR AN ACT

RELATING TO THE SERVICE OF PROCESS.

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

1 SECTION 1. The legislature finds that process servers play
2 an important role in facilitating a timely judicial process and
3 protecting public safety. Civil process servers in Hawaii are
4 not required to obtain a license.

5 In light of ongoing concerns regarding service of process,
6 the legislature finds that the department of public safety
7 should more clearly define and delineate the duties and
8 responsibilities of process servers under its jurisdiction and
9 examine ways of certifying and registering its process servers.

10 The purpose of this Act is to require the department of
11 public safety to convene a working group to clarify the duties
12 and responsibilities of process servers under the department's
13 jurisdiction, create a process of registration and certification
14 of process servers, and address other relevant issues.

15 SECTION 2. The department of public safety shall convene a
16 working group with the following objectives:



- 1 (1) Defining and delineating the duties and
2 responsibilities of process servers under its
3 jurisdiction;
- 4 (2) Creating a process to obtain certification for the
5 sheriff division from the Commission on Accreditation
6 for Law Enforcement Agencies, Inc., to ensure that
7 proper law enforcement policies and procedures are
8 enacted and followed;
- 9 (3) Creating a process of registration for process servers
10 in the State; and
- 11 (4) Addressing other issues deemed relevant by the working
12 group or by the department of public safety.

13 SECTION 3. The working group established under section 2
14 shall be composed of ten members as follows:

- 15 (1) Three current process servers to be appointed by the
16 governor;
- 17 (2) Two current employees of the sheriff division to be
18 appointed by the director of public safety;
- 19 (3) Two employees of the judiciary to be appointed by the
20 chief justice;



1 (4) Two members of the Hawaii state bar association to be
2 appointed by the president of the Hawaii state bar
3 association;

4 (5) One member of the department of commerce and consumer
5 affairs; and

6 (6) The director of public safety, as an ex officio
7 member, to serve as chair.

8 SECTION 4. Members of the working group shall serve
9 without compensation for their service on the working group.

10 SECTION 5. The working group established by this Act shall
11 report its findings and recommendations to the legislature no
12 later than twenty days prior to the convening of the regular
13 session of 2014. The working group shall meet at least four
14 times.

15 SECTION 6. Section 501-154, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§501-154 Writ of possession, service, time limit for**
18 **registration.** When in any action in the nature of an action of
19 ejectment an execution or writ of possession has been issued and
20 served by the ~~[officer,~~ sheriff, deputy sheriff, or police
21 officer, the ~~[officer]~~ sheriff, deputy sheriff, or police
22 officer shall cause a copy of the writ, with a return of the



1 ~~[officer's]~~ doings of the sheriff, deputy sheriff, or police
2 officer thereon, to be filed and registered within three months
3 after the service and before the return of the writ into the
4 clerk's office. The plaintiff, in case the judgment was that
5 the plaintiff was entitled to an estate in fee simple in the
6 demanded premises, or in any part thereof, and for which
7 execution or writ of possession issued, is thereupon entitled to
8 the entry of a new certificate of title."

9 SECTION 7. Section 603-29, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§603-29 Order to show cause.** Whenever a complaint has
12 been filed in circuit court alleging leased or rented personal
13 property the value of which is \$5,000 or more, has been retained
14 by the defendant fourteen days after the termination of the
15 lease or rental contract, either by passage of time or by reason
16 of any default under the terms and conditions of the lease or
17 rental contract, the plaintiff may petition the court for an
18 order to show cause.

19 Upon the filing of the petition with a copy of the lease or
20 rental contract and an affidavit sworn to by the plaintiff or
21 some competent affiant setting forth a statement of facts
22 sufficient to show the termination of the lease or rental



1 contract, the court may issue an order directing the defendant
2 to either return the leased or rented personal property to the
3 plaintiff or to appear and show cause for the possession at such
4 time as the court shall direct but not later than ten days from
5 the date of service of the order to show cause. The order to
6 show cause shall also provide that if the leased or rented
7 personal property is not returned to the plaintiff prior to the
8 hearing, the defendant shall, if reasonably feasible, produce
9 the property at the hearing. If, at the hearing, it is proved
10 to the satisfaction of the court that the plaintiff is entitled
11 to possession of the leased or rented personal property, it
12 shall issue an order directed to the sheriff, deputy sheriff,
13 police officer, or person authorized by the rules of court,
14 commanding the sheriff, deputy sheriff, police officer, or other
15 person authorized by the rules of court to seize the personal
16 property therein described and to deliver the same to the
17 plaintiff or the plaintiff's agent. Service of the order to
18 show cause shall be as provided by law or rule of court for
19 cases in the circuit courts, or by registered mail or by
20 certified mail with return receipt showing delivery within the
21 circuit."



1 SECTION 8. Section 604-6.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§604-6.2 Order to show cause. Upon the filing of a
4 complaint with a copy of a lease or rental contract and an
5 affidavit sworn to by the plaintiff or some competent affiant
6 setting forth a statement of facts sufficient to show that the
7 leased or rented personal property has been in the defendant's
8 possession at least fourteen days after the termination of the
9 lease or rental contract, either by passage of time or by reason
10 of any default under the terms and conditions of the lease or
11 rental contract, the court may issue an order directing the
12 defendant to either return the leased or rented personal
13 property to the plaintiff or to appear and show cause for the
14 possession at such time as the court shall direct, but not later
15 than ten days from the date of service of the order to show
16 cause. The order to show cause shall also provide that, if the
17 leased or rented personal property is not returned to the
18 plaintiff prior to the hearing, the defendant shall, if
19 reasonably feasible, produce the property at the hearing. If,
20 at the hearing, it is proved to the satisfaction of the court
21 that the plaintiff is entitled to possession of the leased or
22 rented personal property, it shall issue an order directed to



1 the sheriff, deputy sheriff, police officer, or other person
2 authorized by the rules of court commanding the sheriff, deputy
3 sheriff, police officer, or [a] other person authorized by the
4 rules of court to seize the personal property therein described
5 and to deliver the same to the plaintiff or the plaintiff's
6 agent. Service of the order to show cause shall be as provided
7 by law or rule of court for cases in the district courts, or by
8 registered mail or by certified mail with return receipt showing
9 delivery within the State."

10 SECTION 9. Section 607-4, Hawaii Revised Statutes, is
11 amended by amending subsection (d) to read as follows:

12 "(d) Fees of sheriff, deputy sheriff, police officer, or
13 other person authorized by the rules of court:

14 (1) For serving any criminal summons, warrant, attachment,
15 or other criminal process, \$30 effective July 1, 2001.
16 This fee is payable to a sheriff, deputy sheriff, or a
17 police officer. Service of criminal summons, warrant,
18 attachment, or other criminal process shall be made
19 only by persons authorized to serve criminal summons
20 in accordance with the rules of court.

21 (2) For serving any civil summons, warrant, attachment, or
22 other civil process, \$25 effective July 1, 2001.



- 1 (3) For every copy of an attachment and inventory of the
2 property attached, served upon the defendant, \$2.
- 3 (4) For serving any execution, 12 cents for every \$1
4 collected up to \$500, and 7 cents for every \$1 over
5 \$500.
- 6 (5) For serving: subpoena, \$25; and subpoena duces tecum
7 or garnishee summons, \$15 effective July 1, 2001.
- 8 (6) For every mile of travel, more than one, in serving
9 any process, 40 cents; provided that:
 - 10 (A) No allowance shall be made where the serving
11 individual uses a conveyance furnished the
12 serving individual by the State, or any political
13 or municipal subdivision thereof;
 - 14 (B) Where the serving individual serves more than one
15 person in the course of one trip, the serving
16 individual shall not charge, in the aggregate for
17 all services, more than the mileage for the
18 entire trip; and
 - 19 (C) As far as practicable, in order to minimize the
20 mileage fees for the service, the sheriff or
21 other chief of the serving police officers, or
22 other person authorized by the rules of court,



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

13 In lieu of any fee under this subsection, the fee may be an
 14 hourly rate of not less than \$50 per hour agreed upon in advance
 15 between the party requesting the service and the sheriff, deputy
 16 sheriff, police officer, or other person authorized by the rules
 17 of court performing the service."

18 SECTION 10. Section 607-8, Hawaii Revised Statutes, is
 19 amended by amending the title and subsection (a) to read as
 20 follows:

21 "§607-8 Fees of sheriff, police officer, serving or
 22 levying officer, or other person authorized by the rules of

1 court in circuit court, intermediate appellate court, or supreme
2 court. (a) For all necessary travel in making the service, per
3 mile for every mile more than one...40 cents provided that:

4 (1) No allowance shall be made where the serving
5 individual uses a conveyance furnished the serving
6 individual by the State, or any political or municipal
7 subdivision thereof; and

8 (2) Where the serving individual serves more than one
9 person in the course of one trip, the serving
10 individual shall not charge, in the aggregate for all
11 services more than the mileage for the entire trip;
12 and

13 (3) As far as practicable, in order to minimize the
14 mileage fees for the service, the sheriff or ~~other~~
15 chief of police of the serving officers, or other
16 person authorized by the rules of court where service
17 of process is to be made upon an island other than
18 that upon which is situated the court issuing the
19 process, shall cause the process to be transmitted to
20 the sheriff, deputy sheriff, the chief of police,
21 other person authorized by the ~~rules of~~ court, or
22 other serving individual upon the island of service



1 who shall make the service upon receipt of the
 2 process; and the service shall be valid,
 3 notwithstanding that the process may not be addressed
 4 to the individual actually making the service or to
 5 the individual's superior.

6 For serving criminal summons or any other criminal process
 7 except a subpoena, for each person served therewith
 8 \$30 effective July 1, 2001. Service of
 9 criminal summons or any other criminal process shall be made
 10 only by persons authorized to serve criminal summons in
 11 accordance with rules of court.

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

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

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.



1 For serving any execution or other process for the
2 collection of money, for every dollar collected up
3 to \$1,000 5 cents.
4 And for every dollar over \$1,000 2-1/2 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.
8 For executing and acknowledging a deed pursuant to a
9 sale of real estate to be paid by the grantee in the
10 deed..... \$8.
11 For drawing any bond required by law..... \$2.
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
15 court..... \$25.
16 Together with all necessary expenses incurred by the
17 individual 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

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 per hour agreed upon in advance
6 between the party requesting the service and the sheriff, deputy
7 sheriff, police officer, or other person authorized by the rules
8 of court performing the service."

9 SECTION 11. Section 633-8, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§633-8 Order to show cause.** Upon the filing of a
12 complaint with a copy of a lease or rental contract and an
13 affidavit sworn to by the plaintiff or some competent affiant
14 setting forth a statement of facts sufficient to show that the
15 leased or rented personal property has been in the defendant's
16 possession at least fourteen days after the termination of the
17 lease or rental contract, either by passage of time or by reason
18 of any default under the terms and conditions of the lease or
19 rental contract, the court may issue an order directing the
20 defendant to either return the leased or rented personal
21 property to the plaintiff or to appear and show cause for the
22 possession at such time as the court shall direct, but not later



1 than five days from the date of service of the order to show
2 cause. The order to show cause shall also provide that, if the
3 leased or rented personal property is not returned to the
4 plaintiff prior to the hearing, the defendant shall, if
5 reasonably feasible, produce the property at the hearing. If,
6 at the hearing, it is proved to the satisfaction of the court
7 that the plaintiff is entitled to possession of the leased or
8 rented personal property, it shall issue an order directed to
9 the sheriff, deputy sheriff, police officer, or other person
10 authorized by the rules of court commanding the sheriff, deputy
11 sheriff, police officer, or other person authorized by the rules
12 of court to seize the personal property therein described and to
13 deliver the same to the plaintiff or the plaintiff's agent.
14 Service of the order to show cause shall be as provided by law
15 or rule of court for cases in the district courts, or by
16 registered mail or by certified mail with return receipt showing
17 delivery within the circuit."

18 SECTION 12. Section 634-11, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§634-11 Interpleader; application for order by sheriff,
21 chief of police, or other person authorized by the rules of
22 court. When, in the execution of process against goods and



1 chattels issued by or under the authority of the courts of the
2 State, by reason of claims made to such goods and chattels by
3 assignees of bankrupts and other persons not being the parties
4 against whom such process had issued, whereby the sheriff,
5 deputy sheriffs, [~~ether~~] police officers, or persons authorized
6 by the rules of court are exposed to the hazard and expense of
7 actions, any such claim shall be made to any goods or chattels
8 taken or intended to be taken in execution under any such
9 process or to the proceeds or value thereof, it shall be lawful
10 for the court, out of which the execution shall have issued, or
11 any judge thereof, upon application of the sheriff, deputy
12 sheriff, [~~ether~~] police officer, or other person authorized by
13 the rules of court, made before or after the return of such
14 process, and as well before as after any action brought against
15 the sheriff, deputy sheriff, [~~ether~~] police officer, or other
16 person authorized by the rules of court, to call before it or
17 the judge by rule, order, or summons, as well the party issuing
18 such process as the party making the claim. Thereupon the court
19 or judge shall, for the adjustment of the claims and the relief
20 and protection of the sheriff, deputy sheriff, [~~ether~~] police
21 officer, or other person authorized by the rules of court, make
22 such rules, orders, and decisions as shall appear to be just



1 according to the circumstances of the case. The costs of all
2 such proceedings shall be in the discretion of the court or
3 judge."

4 SECTION 13. Section 634-12, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§634-12 Sale of property seized on execution, when.** When
7 goods or chattels have been seized in execution by the sheriff,
8 deputy sheriff, [~~ether~~] police officer, or other person
9 authorized by the rules of court, under process of any court,
10 and some third person claims to be entitled under a bill of
11 sale, chattel mortgage, or otherwise, to the goods and chattels
12 by way of security for a debt, the court or a judge may order a
13 sale of the whole or part thereof, upon such terms as to the
14 payment of the whole or part of the secured debt or otherwise as
15 it or the judge shall think fit; and may direct the application
16 of the proceeds of sale in such manner and upon such terms as to
17 the court or judge may seem just."

18 SECTION 14. Section 634-22, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§634-22 Return.** In all cases where any process or order
21 of a court is served by any officer of the court or of the
22 police force or the sheriff, deputy sheriff, or any investigator



1 appointed and commissioned by the director of commerce and
2 consumer affairs pursuant to section 26-9(j), a record thereof
3 shall be endorsed upon the back of the process, complaint,
4 order, or citation. The record shall state the name of the
5 person served and the time and place of service and shall be
6 signed by the sheriff, deputy sheriff, or police officer making
7 the service. If the sheriff, deputy sheriff, or police officer
8 fails to make service, the sheriff, deputy sheriff, or police
9 officer, in like manner, shall endorse the reason for the
10 officer's failure and sign this record. When service is made by
11 a person specially appointed by the court, or a person
12 authorized by the rules of court, the person shall make
13 affidavit of that service.

14 The record or the affidavit shall be prima facie evidence
15 of all it contains, and no further proof thereof shall be
16 required unless either party desires to examine the officer or
17 person making service, in which case the officer or person shall
18 be notified to appear for examination."

19 SECTION 15. Section 651-1, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§651-1 General provisions.** This chapter shall apply to
22 circuit and district courts. A judge of any court of record may



1 make any order at chambers which may by the provisions of this
2 chapter be made by the court in term time. When the proceedings
3 are before a district judge, the judge shall be regarded as the
4 clerk of the court for all purposes contemplated herein. The
5 phrase "police officer", as used in this chapter, means the
6 director of public safety or the director's duly authorized
7 representative, any chief of police or subordinate police
8 officer, or a person authorized by the [~~rules of~~] court.
9 Nothing in this chapter shall be construed to permit a district
10 judge to issue a writ of attachment to be served out of the
11 circuit in which the judge's court is situated, or to permit an
12 attachment of real estate, or any interest therein, under a writ
13 issued by a district court judge."

14 SECTION 16. Section 652-1.5, Hawaii Revised Statutes, is
15 amended by amending subsection (a) to read as follows:

16 "(a) Except as provided in subsection (e), any creditor
17 desiring to secure a garnishment process before judgment shall
18 attach the creditor's petition for process, summons, and
19 direction to the following documents:

20 (1) An application, directed to the court to which such
21 action is made returnable, for garnishee process to
22 issue under section 652-1(a);



- 1 (2) An affidavit sworn to by the creditor or some
2 competent affiant setting forth a statement of facts
3 sufficient to show that probable validity exists to
4 sustain the validity of the creditor's claim;
- 5 (3) An order that a hearing be held before the court or a
6 judge thereof to determine whether or not the
7 garnishee process should be granted and that notice of
8 such hearing be given to the defendant debtor;
- 9 (4) A summons directed to [~~a proper officer~~] the sheriff,
10 deputy sheriff, or police officer commanding the
11 [~~officer~~] sheriff, deputy sheriff, or police officer
12 to serve upon the debtor at least four days prior to
13 the date of the hearing, pursuant to chapter 634, the
14 application, a true and attested copy of the petition,
15 summons, and direction, the affidavit, and the order
16 and notice of hearing."

17 SECTION 17. Section 652-2, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§652-2 Garnishee, rights, duties; collection by [~~levying~~**
20 **~~officer.~~] sheriff, deputy sheriff, or police officer by the**
21 **court.** The garnishee shall, when summoned before judgment



1 rendered against his principal, if he desires, be admitted to
2 defend his principal in the action.

3 If judgment is rendered in favor of the plaintiff, and
4 likewise in all cases in which the garnishee is summoned after
5 judgment, the garnishee fund, or such part thereof as may be
6 sufficient for that purpose, shall be liable to pay the same.
7 The plaintiff on praying out execution shall be entitled to have
8 included in the execution an order directing the [~~officer~~]
9 sheriff, deputy sheriff, or police officer serving the same to
10 make demand of the garnishee for the goods and effects of the
11 defendant secured in his hands, whose duty it will be to expose
12 the same to be taken on execution, and also to make demand of
13 the garnishee for the debt or wages secured in his hands or the
14 moneys held by him for safekeeping, or such part thereof as may
15 satisfy the judgment. It shall be the duty of the garnishee to
16 pay the same. If the garnishee has in any manner disposed of
17 the goods and effects or does not expose and subject the same to
18 be taken on execution, or if the garnishee does not pay to the
19 [~~officer,~~] sheriff, deputy sheriff, or police officer, when
20 demanded, the debt or wages or moneys held for safekeeping, the
21 garnishee shall be liable to satisfy the judgment out of his own
22 estate, as his own proper debt, if the goods or effects or debt



1 or wages or moneys held for safekeeping, be of sufficient value
2 or amount and, if not, then to the value of the same; provided
3 that every garnishee, whether summoned before or after judgment,
4 shall be allowed to retain or deduct from the goods, effects,
5 and credits of the defendant in his hands at the time of service
6 all demands against the defendant of which he could have availed
7 himself if he had not been garnisheed, whether the same are at
8 the time due or not, and whether by setoff on a trial or by
9 setoff of judgments or executions between himself and the
10 defendant, and shall be liable only for the balance after
11 adjustment of all mutual demands between himself and the
12 defendant; provided that in such adjustment no demands for
13 unliquidated damages for wrongs or injuries shall be included,
14 and that the judgment shall show the amount of any setoff.

15 No garnishee shall be liable to anyone for the nonpayment
16 of any sum or for the nondelivery of any goods or effects when
17 the garnishee in good faith believes, or has reason to believe,
18 that garnishment or other process affects the same, though such
19 be not the case, but this paragraph shall not supersede section
20 652-9 where the same are applicable."

21 SECTION 18. Section 652-2.5, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "[+]§652-2.5[+] Service on garnishee. Service of the copy
2 upon the garnishee may be made in any of the manners here
3 described, namely:

4 (1) If the garnishee lives or has an office in the
5 district in which process is issued, by the [~~servicing~~
6 ~~officer's~~] sheriff, deputy sheriff, or police officer
7 handing a copy to the garnishee in person or leaving
8 it in the garnishee's office in charge of some deputy
9 or clerk or other employees or attache of the office;
10 or

11 (2) If the garnishee lives in a district other than that
12 in which the process was issued, by the [~~servicing~~
13 ~~officer's~~] sheriff, deputy sheriff, or police officer
14 handing a copy to the garnishee in person, or by
15 mailing it in a sealed envelope, registered or
16 certified, postage prepaid, return receipt requested,
17 and addressed to the garnishee's last known home or
18 business address."

19 SECTION 19. Section 652-2.6, Hawaii Revised Statutes, is
20 amended by amending subsection (a) to read as follows:

21 "(a) In case of service upon the garnishee, the [~~servicing~~
22 ~~officer's~~] certificate of service or, if by mail, a copy of the



1 return receipt provided by the sheriff, deputy sheriff, or
2 police officer shall be prima facie proof of the service."

3 SECTION 20. Section 652-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§652-5 **Successive sequestration of wages, upon change of**
6 **employment.** Whenever any judgment debtor has left the employ of
7 any garnishee, against whom an order has been duly issued,
8 before the full amount of the judgment has been paid, and has
9 entered the employment of some other person, or of the State, or
10 any political subdivision thereof, then the judgment creditor
11 may sequester any wages due the judgment debtor from the new
12 employer by filing with such person, or the respective
13 government comptroller or other [~~officer~~] official a certified
14 copy of the judgment and an affidavit of the judgment creditor,
15 showing the amount remaining due and unpaid on account of the
16 judgment.

17 Thereafter, the new garnishee shall proceed to pay the same
18 percentages of wages as required in an original garnishment, on
19 the balance of the judgment, from week to week or month to
20 month, until the balance due, with legal interest, is fully
21 paid; or until such employment of the judgment debtor ceases."



1 SECTION 21. Section 654-2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§654-2 Bond. When the plaintiff desires the immediate
4 delivery of the property, the plaintiff shall execute a bond to
5 the defendant in possession of the property, and to all persons
6 having an interest in the property, of such amount and with such
7 sureties as are approved by the court, conditioned that the
8 plaintiff will prosecute the plaintiff's action to judgment
9 without delay, and deliver the property to the defendant in
10 possession or any other person, if such delivery is adjudged,
11 and pay all costs and damages that may be adjudged against the
12 plaintiff. Upon the filing of the verified complaint or
13 affidavit with the bond and a motion for immediate consideration
14 of the matter, the court shall forthwith inquire into the
15 matter, ex parte or otherwise, as in its discretion it
16 determines. If thereupon the court finds that a prima facie
17 claim for relief has been established, it shall issue an order
18 directed to the sheriff, or the sheriff's deputy, or the chief
19 of police, or an authorized police officer of any county, or [a]
20 other person authorized by the [~~rules of~~] court, to take the
21 property therein described and deliver the same to the
22 plaintiff.



1 Copies of the verified complaint or affidavit, and, if a
2 bond for immediate seizure has been filed, of the bond, and, if
3 an order for the taking has been issued on an ex parte hearing,
4 of the order, shall forthwith be served upon the defendant in
5 possession and each person having or claiming a possessory
6 interest in the property, in the same manner as is provided for
7 service of summons unless the party to be served has appeared in
8 the action, in which case service may be made in the same manner
9 as is provided for service of papers other than the summons. In
10 a proper case, either before or after issuance of an order for
11 the taking, the required service may be combined with the
12 publication of the summons, in which event the giving of notice
13 of the substance of the proceeding shall be sufficient.

14 Upon the application of any party, the proceeding shall be
15 advanced and assigned for hearing at the earliest possible
16 date."

17 SECTION 22. Section 666-11, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**§666-11 Judgment; writ of possession.** If it is proved to
20 the satisfaction of the court that the plaintiff is entitled to
21 the possession of the premises, the plaintiff shall have
22 judgment for possession, and for the plaintiff's costs.



1 Execution shall issue accordingly. The writ of possession shall
2 issue to the sheriff, deputy sheriff, police officer, or other
3 person authorized by the [~~rules of~~] court of the circuit where
4 the premises are situated, commanding the sheriff, deputy
5 sheriff, police officer, or other person authorized by the
6 [~~rules of~~] court to remove all persons from the premises, and to
7 put the plaintiff, or the plaintiff's agent, into the full
8 possession thereof."

9 SECTION 23. Section 666-21, Hawaii Revised Statutes, is
10 amended by amending subsection (b) to read as follows:

11 "(b) If the tenant is unable to comply with the court's
12 order under subsection (a) in paying the required amount of rent
13 to the court, the landlord shall have judgment for possession
14 and execution shall issue accordingly. The writ of possession
15 shall issue to the sheriff, deputy sheriff, police officer, or
16 other person authorized by the rules of court of the circuit
17 where the premises are situated, ordering the sheriff, deputy
18 sheriff, or police officer, or other person authorized by the
19 rules of court to remove all persons and possessions from the
20 premises, and to put the landlord, or the landlord's agent, into
21 full possession of the premises."



1 SECTION 24. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 25. This Act shall take effect upon its approval.

4



Report Title:

Department of Public Safety; Judiciary; Service of Process

Description:

Requires the department of public safety to form a working group to define and delineate the duties and responsibilities of process servers under its jurisdiction, create a process to obtain certification for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc., to ensure that proper law enforcement policies and procedures are enacted and followed, create a process of registration for process servicers in the state, and address other issues deemed relevant by the working group or by the department of public safety. Requires a report to the legislature. Updates the statutes to authorize law enforcement officers, including sheriffs, deputy sheriffs, and police officers to serve legal process. (SD1)

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

