

JAN 18 2013

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) Fees of sheriff, deputy sheriff, police officer, or
4 other person authorized by the rules of court:

5 (1) For serving any criminal summons, warrant, attachment,
6 or other criminal process, [~~\$30 effective July 1,~~
7 ~~2001.~~] \$50. This fee is payable to a sheriff, deputy
8 sheriff, or police officer. Service of criminal
9 summons, warrant, attachment, or other criminal
10 process shall be made only by persons authorized to
11 serve criminal summons in accordance with rules of
12 court [-];

13 (2) For serving any civil summons, warrant, attachment, or
14 other civil process, [~~\$25 effective July 1, 2001.~~]
15 \$40;

16 (3) For every copy of an attachment and inventory of the
17 property attached, served upon the defendant, [~~\$2.~~]
18 \$3;



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- 1 (4) For serving any execution, [~~12~~] 16 cents for every \$1
2 collected up to \$500, and [~~7~~] 10 cents for every \$1
3 over \$500 [~~-~~];
- 4 (5) For serving: subpoena, [~~\$25~~] \$40; and subpoena duces
5 tecum or garnishee summons, [~~\$15 effective July 1,~~
6 ~~2001.~~] \$35; and
- 7 (6) For every mile of travel, more than one, in serving
8 any process, [~~40~~] 60 cents; provided that:
- 9 (A) No allowance shall be made where the serving
10 individual uses a conveyance furnished the
11 serving individual by the State, or any political
12 or municipal subdivision thereof;
- 13 (B) Where the serving individual serves more than one
14 person in the course of one trip, the serving
15 individual shall not charge, in the aggregate for
16 all services, more than the mileage for the
17 entire trip; and
- 18 (C) As far as practicable, in order to minimize the
19 mileage fees for the service, the sheriff or
20 other chief of the serving officers, or other
21 person authorized by the rules of court, where
22 service of process is to be made upon an island



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

12 In lieu of any fee under this subsection, the fee may be an
13 hourly rate of not less than [~~\$50~~] \$75 per hour agreed upon in
14 advance between the party requesting the service and the
15 sheriff, deputy sheriff, police officer, or other person
16 authorized by the rules of court performing the service."

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

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



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



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

3 For serving criminal summons or any other criminal process
4 except a subpoena, for each person served therewith
5 [~~..... \$30 effective July 1, 2001.~~], \$50.

6 Service of criminal summons or any other criminal process shall
7 be made only by persons authorized to serve criminal summons in
8 accordance with rules of court.

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

12 For serving: subpoena, for each person, [~~\$25,~~ \$40; and
13 subpoena duces tecum or garnishee summons, for each person
14 [~~..... \$15 effective July 1,~~
15 ~~2001.~~], \$35.

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

20 For serving any execution or other process for the
21 collection of money, for every dollar collected up to \$1,000
22 [~~..... 5 cents.~~], 9 cents.



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

2 All fees paid to any printer for publishing an
3 advertisement of the sale of any property.

4 For every bill of sale [~~.....~~
5 ~~\$2.~~], \$4.

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

9 For drawing any bond required by law [~~.....~~
10 ~~\$2.~~], \$4.

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

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

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

20 The fees for service of executions, attachments, and
21 collection of judgments, together with all costs incurred after
22 judgment rendered, not included in the judgment, in all courts



1 of the State, shall be collected in addition to the sum directed
2 to be levied and collected in the writ.

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
6 sheriff, deputy sheriff, police officer, or other person
7 authorized by the rules of court 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, 2013.

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INTRODUCED BY:

Will Zygo

[Signature]

Rosey H. Bell

Suzanne Chun Oakland



S.B. NO. 313

Report Title:

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

Description:

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

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