

STAND. COM. REP. NO. **771**

Honolulu, Hawaii
February 28, 2013

RE: H.B. No. 951
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 951 entitled:

"A BILL FOR AN ACT RELATING TO THE SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose of this measure is to update various sections of the Hawaii Revised Statutes to clarify that law enforcement officers and other persons authorized by the courts may serve certain types of legal process.

The Department of Public Safety testified in support of this measure. The Judiciary testified in opposition to this bill.

Your Committee has amended this measure by:

- (1) Authorizing the Director of Public Safety to maintain a list of independent civil process servers authorized to process specified writs and other orders;
- (2) Authorizing the independent civil process servers from the Department of Public Safety's list to serve specified types of legal process;
- (3) Removing the power of the court to authorize persons to effect service of process by court rule or otherwise;

HB951 HD1 HSCR JUD HMS 2013-2278



- (4) Shielding the Department of Public Safety and the State from responsibility or liability for the conduct of any independent civil process server placed on the list;
- (5) Specifying that an independent civil process server placed on the Department of Public Safety's list shall not be considered a law enforcement officer, sheriff or deputy sheriff, or employee or agent of the State;
- (6) Repealing the amendments made under this Act on June 30, 2015; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 951, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 951, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSJR731

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB951	Committee Referral: JUD	Date: 2/21/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	X			
4. BROWER, Tom	X			
5. CABANILLA, Rida T.R.				X
6. CARROLL, Mele				X
7. ITO, Ken	X			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris				X
10. TSUJI, Clift	X			
11. WOOLEY, Jessica				X
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	9			4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral _____ did not support recommendation. _____ committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				