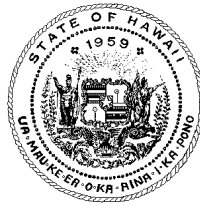


DAVID Y. IGE  
GOVERNOR



MAX N. OTANI  
DIRECTOR

Maria C. Cook  
Deputy Director  
Administration

Tommy Johnson  
Deputy Director  
Corrections

Jordan Lowe  
Deputy Director  
Law Enforcement

STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 1190  
RELATING TO PUBLIC SAFETY.

By  
Max N. Otani, Director

Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Senator Clarence Nishihara, Chair  
Senator Kalani J. English, Vice Chair

Tuesday, February 9, 2021; 1:20 p.m.  
Via Video Conference

Chair Nishihara, Vice Chair English, and Members of the Committees:

The Department of Public Safety (PSD) supports Senate Bill (SB) 1190, which seeks to reenact Section 353C-10, Hawaii Revised Statutes (HRS), to authorize the Department of Public Safety to maintain a list of independent civil process servers. The measure also seeks to amend several statutes to allow process servers to serve specific types of legal documents, as follows:

(1) Update Sections 353C-10, 501-154, 603-29, 604.62, 607-4, 607-8, 633-8, 634-11, 634-12, 634-22, 634-29, 651-1, 652-1.5, 652-2, 652-2.5, 652-2.6, 654-2, 666-11, and 666-21, HRS, by reenactment beyond the repeal date of June 30, 2020.

(2) Clarify individuals authorized to serve legal process documents as sheriff, deputy sheriff, police officer, and independent civil process servers from the Department of Public Safety's list under section 353C-10.

This bill is intended to update and reenact the referenced statutes in order to provide clear guidelines for the limitation of authority, fee schedules, and the specific services provided by process servers who are required to be registered with the Department of Public Safety.

Thank you for the opportunity to provide this testimony.



## Collection Law Section

**Chair:**  
Steven Guttman

**Vice Chair:**  
William J. Plum

**Secretary:**  
Thomas J. Wong

**Treasurer:**  
Arlette S. Harada

**Directors:**  
Ann Correa  
Marvin S.C. Dang  
Karyn A. Doi  
Christopher Shea Goodwin  
Steven Guttman  
Arlette S. Harada  
James Hochberg  
Francis P. Hogan  
Steven Idemoto  
William J. Plum  
Charles Prather  
Yuriko J. Sugimura  
Thomas J. Wong  
Reginald K.T. Yee

*Reply to:* **STEVEN GUTTMAN, CHAIR**  
**220 SOUTH KING STREET SUITE 1900**  
**HONOLULU, HAWAII 96813**  
**TELEPHONE: (808) 536-1900**  
**FAX: (808) 529-7177**  
**E-MAIL: sguttman@kdubm.com**

February 8, 2021

**Re: S.B. 1190 Relating to Public Safety**  
**Hearing: February 9, 2021 at 1:30 p.m.**  
**Testimony in Support**

Dear Chair Senator Nishihara, Vice-Chair Senator English and Committee Members:

This testimony is submitted on behalf of the Collection Law Section (“CLS”) of the Hawaii State Bar Association.<sup>1</sup>

The Collection Law Section fully supports passage of this bill. Our members rely on private process servers to serve Writs of Possession, Writs of Replevin, Orders to Show Cause and garnishment orders as a daily part of their legal practice. The sunset provision in Act 101 (2015) that went into effect on June 30, 2020, resulted in a repeal of *inter alia* HRS §353C-10, §501-154, §603-29, §604-6.2, and §607-8, which removed express language that allowed private process servers to serve such writs and orders. Passage of this bill would reinstate that language

Thank you for considering our testimony in strong support of this bill.

/s/ Jane Sugimura  
The Collection Law Section

---

<sup>1</sup> The comments and recommendations submitted reflect the position/viewpoint of the Collection Law Section of the Hawaii State Bar Association only. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors.