

STAND. COM. REP. NO. 797

Honolulu, Hawaii  
MAR 02 , 2023

RE: H.B. No. 980

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 980 entitled:

"A BILL FOR AN ACT RELATING TO FORFEITURE PURSUANT TO SECTION 804-51, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Allow notice of a bond or recognizance forfeiture to be sent to either the surety or surety insurer by certified mail; and
- (2) Provide a means for the State to appeal an order granting a motion or application to set aside a bond or recognizance forfeiture.

Your Committee received testimony in support of this measure from the Judiciary and Department of the Attorney General.

Your Committee finds that because existing law requires notice on a surety to start the thirty-day period before any bond or recognizance given in a criminal case is forfeited to the State be served either personally or by certified mail, there have been some cases where a surety avoids its obligations on a bond or recognizance by evading the service of notice. Your Committee further finds that as existing law allows for the establishment of

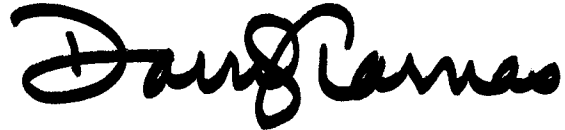
2023-1899 HB980 HSCR HMSO



an agency relationship between a surety and a surety insurer, notice to either the surety or surety insurer by certified mail should be sufficient to start the thirty-day period before the bond is forfeited to the State. This measure is intended to allow notice of a bond or recognizance forfeiture to be sent to either the surety or the surety insurer, which will reduce instances of a surety attempting to avoid its obligations on the bond or recognizance.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 980 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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DAVID A. TARNAS, Chair



