

ACT 85

A Bill for an Act Amending Chapter 31, Revised Laws of Hawaii 1955, as Amended, Relating to the Sheriff.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 31, Revised Laws of Hawaii 1955, as amended, is hereby further amended to read as follows:

**“CHAPTER 31
SHERIFF**

“Sec. 31-1. Office of sheriff created. There shall be within the department of the attorney general a division to be known as the office of sheriff, consisting of the sheriff and such deputies as the exigencies of the public service may require. They shall be subject to the supervision and control of the attorney general.

“Sec. 31-2. Appointment. The attorney general shall appoint and commission and at his pleasure remove, without regard to the provisions of chapters 3 and 4, the sheriff and deputy sheriffs.

“Sec. 31-3. Duties. The sheriff and his deputies shall be charged with service of process and execution of any order of court. They shall also perform such other functions as the attorney general may direct in furtherance of the performance of the functions of the attorney general, other than the practice of law. In that connection, upon specific authorization and direction of the attorney general, the sheriff or a deputy sheriff shall have all of the powers of a police officer, including the power of arrest.

“Sec. 31-4. Special service of process. Whenever any process issues out of any court of the State to be served on any island within the jurisdiction of the court where no serving officer is located or readily available, the attorney general shall specially deputize some suitable person on such island to make such service and return thereon. The actual expenses incurred in connection with such appointment and service, together with the serving officer’s fee, shall be paid as costs by the party desiring such service.

“Sec. 31-5. Bonds. The attorney general may exact from the sheriff and such deputies private bonds of indemnity, and shall be responsible for the official acts of such officers. The attorney general may pay over to a beneficial obligee, although not named in the bond, any moneys received from the surety on account of any injury or damage suffered by such beneficial obligee by acts or omissions of the obligor within the scope of activities covered by the bond. Such beneficial obligee may, if necessary, bring action on the bond in his own name.

“Sec. 31-6. Salaries, fees. The sheriff shall receive a salary of \$9,000 annually. The sheriff’s deputies shall receive in full payment of their services only such fees as are prescribed by law; provided, that the legally prescribed fees for such service of summons, subpoena, attachment, execution, or other civil process of court as provided by sections 219-4 and 219-8, shall belong to the sheriff, deputy sheriff or other officer making such service.

“Sec. 31-7. Process addressed to whom. Any process of any court of record shall be addressed to the sheriff or his deputy, or to a chief of

police, except as may be otherwise provided by law, and the sheriff or his deputy, or a chief of police, or any officer serving under them shall execute the same at their peril, according to the tenor thereof, and they shall not be liable for any damages resulting from the execution of such process.

“Sec. 31-8. Sheriff of Kalawao county. No provision in this chapter shall apply to the sheriff of the county of Kalawao, except those charging him with the service of process and execution of any order of court and providing for payment of legally prescribed fees for such service.”

SECTION 2. The sum of \$9,000 or so much thereof as may be necessary to pay the compensation of the sheriff provided in this Act, is hereby appropriated from the general revenues of the State.

SECTION 3. All laws or parts of laws heretofore enacted which are in conflict with the provisions of this Act are hereby amended to conform herewith. All acts passed during this general session of 1963, whether enacted before or after the passage of this Act, shall be amended to conform to this Act, unless such acts specifically provide that this Act is being amended. The revisor of statutes is hereby authorized to make all such changes required in the Revised Laws of Hawaii 1955, as amended, in accordance with the provisions of this Act.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 25, 1963.) **H.B. 801.**
