

ACT 52

S.B. NO. 1734-84

A Bill for an Act Relating to Costs and Fees for Service of Process.

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

SECTION 1. Section 607-4, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

“(d) Sheriff’s or police officer’s fees:

- (1) For serving any criminal summons, warrant, attachment, or other criminal process, \$15 effective July 1, 1980.
- (2) For serving any civil summons, warrant, attachment, or other civil process, [\$6 effective July 1, 1978 and \$7 effective July 1, 1979.] \$10 effective July 1, 1984.
- (3) For every copy of an attachment and inventory of the property attached, served upon the defendant, \$1.50.
- (4) For serving any execution, 12 cents for every \$1 collected up to \$50, and 7 cents for every \$1 over \$50.
- (5) For serving subpoena or garnishee summons, [\$5.] \$7.
- (6) For every mile of travel, more than one, in serving any process, [18] 20 cents; provided that (A) no such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof; (B) where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services, more than the mileage for the entire trip; and (C) as far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police or other serving officer upon the island of service, who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may not be addressed to the officer actually making such service or to his superior.”

SECTION 2. Section 607-8, Hawaii Revised Statutes, is amended to read as follows:

“§607-8 Sheriff’s or serving or levying officer’s fees in circuit court, intermediate appellate court, or supreme court. For all necessary travel in making such service, per mile for every mile more than one [18] 20 cents provided that:

- (1) No such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof;
- (2) Where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services more than the mileage for the entire trip; and
- (3) As far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police, or other serving officer upon the island of service who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may not be addressed to the officer actually making such service or to his superior.

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith \$15 effective July 1, 1980.

For serving civil summons or any other civil process, except a subpoena or a garnishee summons, for each person served therewith [\$7 effective July 1, 1979.] \$10 effective July 1, 1984.

For serving subpoena or garnishee summons, for each person [5.] \$7.

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State \$2.

For serving any execution or other process for the collection of money, for every dollar collected up to \$500 5 cents.

And for every dollar over \$500..... 2-1/2 cents.

All fees paid to any printer for publishing an advertisement of the sale of any property;

For every bill of sale..... \$1.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in such deed \$5.¹

For drawing any bond required by law..... \$1.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court \$1.

Together with all necessary expenses incurred by the officer serving the writ, incident to the eviction.

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

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, shall, in all courts of the State, be collected in addition to the sum directed to be levied and collected in the writ.

Anything in this section or any other law to the contrary notwithstanding, when any process or subpoena is served by a subordinate of the sheriff or chief of police, it shall be illegal for the sheriff or chief of police (1) if and so long as he is being paid a salary by the State or the county to receive or collect from such subordinate any portion of the fees, mileage, or other expenses collected by such subordinate, or (2) if and so long as such sheriff or chief of police is not being paid any such salary, to collect or receive from such subordinate more than ten per cent of the fees accruing from such service, or any portion of the mileage or other expenses collected by such subordinate. Where a subpoena is served in behalf of the State or any county by a nonsalaried subordinate of the sheriff or chief of police, the regular fee for such service shall be payable to such subordinate. Nothing herein contained shall be deemed to prohibit the police commission of any county from requiring all such fees, mileage, and expenses be paid into a police benefit fund.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect July 1, 1984.

(Approved April 18, 1984.)

Note

1. Should not be underscored.