

HAWAII
PROCESS SERVER
COMMISSION

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**TESTIMONY ON HOUSE BILL 87
RELATING TO PUBLIC SAFETY**

By

Naomi Iwashita

Board of Director, Hawaii Process Server Commission

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Tuesday, March 31, 2015, 9:35AM
State Capitol, Conference Room 016

The Hawaii Process Server Commission supports House Bill (HB) 87 which would shield process servers from prosecution under criminal trespass statutes when making a “good faith attempt” to perform authorized duties. It is a common occurrence for a party in litigation to prevent or delay service of legal process by posting “No Trespassing” signage on their property even when the property is not bordered by fences or a locked gate. The proposed change to the existing trespass statute would protect a civil process server from being subject to a criminal charge when in “good faith” attempting to serve legal papers.

The Board of Directors for the Hawaii Process Server Commission membership support HB 87.

Thank You for the opportunity to present this testimony.

LATE TESTIMONY

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March 30, 2015

COMMITTEE ON JUDICIARY AND LABOR

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
State Capitol, Room 309
Honolulu, HI 96813

Re: HB87, Relating to Public Safety (process servers)

Dear Senators, and Committee Members:

I write on behalf of Hawaii Legal Services, a business of process servers statewide, to endorse House Bill 87 and encourage its passing into law.

Since 1997, HLS's process servers annually knock on more than 2500 home and business doors with legal documents in hand. Rarely, we are greeted with a smile. Often, we are met with "You're Trespassing get the hell out of here" or the silent posted sign "NO TRESPASSING" / "Violators Will Be Prosecuted".

The courts and administrative hearings cannot advance their work until parties are noticed by the documents carried by process servers. HB87 is sound relief; takes nothing away from property rights; curtails litigation costs; allows tribunals to meet scheduled matters; and limits protection to process servers carrying out their duties in "good faith".

Mahalo for your favorable consideration.
Respectfully Submitted,

s/ Eric Schroeder
HAWAII LEGAL SERVICES