

Honolulu, Hawaii

FEB 17, 2012

RE: H.B. No. 2601
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2601, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE SERVICE OF PROCESS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Increase the efficiency of the Department of Public Safety;
- (2) Allow persons authorized by rules of court to serve non-criminal legal process in addition to sheriffs and police;
- (3) Reserve the responsibility to serve criminal summons, warrant, attachment, and other criminal process to sheriffs and police officers; and
- (4) Remove inconsistencies in language throughout the Hawaii Revised Statutes regarding service of process.

Testimony in support of this measure was submitted by the Department of Public Safety.

Your Committee finds that in 2001, the Civil Section of the Sheriff Division was discontinued. Since then, private process servers have been authorized to serve orders to show cause, writs



of attachment and execution, garnishment documents, writs of replevin, and writs of possession. Amending these sections will resolve inconsistencies with the rules of the court and allow persons authorized by rules of court to serve all process except those relating to criminal process.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 7, 2059, to facilitate continued discussion on this measure; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2601, H.D. 1, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as H.B. No. 2601, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


GILBERT KEITH-AGARAN, Chair



