The Judiciary, State of Hawai'i

Testimony to the House Committee on Public Safety
The Honorable Karl Rhoads, Chair
The Honorable Sharon E. Har, Vice Chair

Tuesday, February 26, 2013, 2:05 p.m.
State Capitol, Conference Room 309

WRITTEN TESTIMONY ONLY

by

Susan Pang Gochros
Chief Staff Attorney and Department Head
Intergovernmental and Community Relations

Bill No. and Title: House Bill No. 1280, HD1 Relating to Public Safety

Purpose: Requires the department of public safety to form a working group to define and delineate the duties and responsibilities of process servers under its jurisdiction, create a process to obtain certification for the sheriff division from the Commission on Accreditation for Law Enforcement Agencies, Inc., to ensure that proper law enforcement policies and procedures are enacted and followed, create a process of registration for process servicers in the state, and address other issues deemed relevant by the working group or by the department of public safety. Requires a report to the legislature.

Judiciary's Position:

The Judiciary supports this bill, so long as it is read in conjunction with HB 951, HD 1. We understand that the House Draft 1 of HB 951 will delete the language permitting civil process servers to be authorized by the courts. As we have testified on HB 951, we have great concerns about court authorization of civil process servers. However, once that bill is amended (as discussed during decision making) to authorize the department of public safety to name civil process servers, we agree that having a working group determine the duties and responsibilities
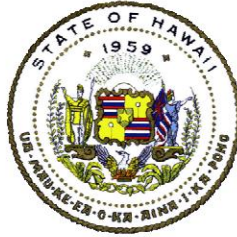
of civil process servers and a process for obtaining certification for these process servers, is a prudent approach.

We appreciate the inclusion of representation from the department of commerce and consumer affairs (DCCA) as part of the working group, given that the registration and certification of process servers (like that of bondsmen, detectives and investigators regulated by statute) may best be accomplished through DCCA. The Judiciary looks forward to collaborating with the working group.

Again, however, we note that HB 1280, HD1 presents a long-term solution to the present problem and will only work if a short-term solution (as provided through HB 951, HD1) is also enacted.

Thank you for the opportunity to provide comments on this measure.

NEIL ABERCROMBIE
GOVERNOR

TED SAKAI
DIRECTOR

Martha Torney
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STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE BILL 1280 HD1
A BILL FOR AN ACT RELATING TO
PUBLIC SAFETY
By
Ted Sakai, Director
Department of Public Safety

House Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Sharon E. Har, Vice Chair

Tuesday, February 26, 2013, 2:05 p.m.
State Capitol, Room 325

Chair Rhoads, Vice Chair Har, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill 1280 HD1 which proposes to form a working group to define and delineate the duties and responsibilities of process servers, create a process of registration and certification, and address other relevant issues. PSD is willing to participate on this working group to explore the longstanding and chronic issue of service of process.

Thank you for the opportunity to testify on this matter.

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HB1280
Submitted on: 2/22/2013
Testimony for JUD on Feb 26, 2013 14:05PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Pamela Williams	Individual	Support	No

Comments:

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