

Honolulu, Hawaii

FEB 09 2015

RE: S.B. No. 7
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Public Safety, Intergovernmental and
Military Affairs, to which was referred S.B. No. 7 entitled:

"A BILL FOR AN ACT RELATING TO PROCESS SERVERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish intentionally causing bodily injury to a process server in the performance of duty, with the intent to obstruct the process server's performance of duty or retaliate against the process server for performing service, as assault in the second degree;
- (2) Exempt process servers who enter or remain in or upon the premises of another for the purpose of making a good faith attempt to serve process upon certain individuals from the offense of criminal trespass in the first degree; and
- (3) Exempt process servers who enter or remain in or upon the land or premises of another for the purpose of making a good faith attempt to serve process upon certain individuals from the offense of criminal trespass in the second degree.

Your Committee received testimony in support of this measure from two individuals.



Your Committee finds that similar to other public safety individuals, process servers often work in environments where there is a risk of assault. As process servers frequently work alone, your Committee finds it necessary to include process servers who are performing their job duties in the class of persons protected from the offense of assault in the second degree. Your Committee further finds that given the need for process servers to enter or remain in or upon the premises of another in order to perform their job duties, process servers should be exempt from the offenses of criminal trespass in the first and second degrees while in the performance of their duties.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 7, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 7, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



