
A BILL FOR AN ACT

A BILL FOR AN ACT RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. Chapter 353C, Hawaii Revised Statutes, is
2 amended by adding a new section to be designated and to read as
3 follows:
- 4 "§353C- Service of process; list. (a) For service of
5 process, the director shall maintain a list of independent civil
6 process servers to process:
- 7 (1) Orders to show cause pursuant to chapters 603, 604,
8 and 633;
- 9 (2) Garnishment pursuant to chapter 652;
- 10 (3) Writs of replevin and attachment pursuant to
11 chapter 634;
- 12 (4) Writs of possession pursuant to chapters 501 and 666;
- 13 (5) Orders for examination pursuant to chapter 636; and
- 14 (6) Writs of attachment or execution pursuant to
15 chapter 651.
- 16 (b) Any independent civil process server may submit the
17 server's name to the director to be placed on the list;



1 provided that a person shall not be placed on the list if the
2 person:

3 (1) Is serving a criminal sentence;

4 (2) Has been convicted of a crime within the previous ten
5 years;

6 (3) Is required to register as a sex offender;

7 (4) Is subject to any other legal restriction, including a
8 temporary restraining order, that prevents the person
9 from serving process; or

10 (5) Cannot provide a copy of a current State of Hawaii
11 general excise tax license.

12 (c) The department, the State, and the agencies, officers,
13 and employees of the department or the State shall not be
14 responsible or liable for the actions of any independent civil
15 process servers on the list. The maintenance of the list shall
16 not create a private cause of action against the department, the
17 State, or the agencies, officers, and employees of the
18 department or the State.

19 (d) Placement of a person's name on the list shall not
20 make the person a law enforcement officer, sheriff or deputy
21 sheriff, or an employee or agent of the State."



1 SECTION 2. Section 501-154, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§501-154 Writ of possession, service, time limit for**
4 **registration.** When in any action in the nature of an action of
5 ejectment an execution or writ of possession has been issued and
6 served by the sheriff, deputy sheriff, police officer, or
7 independent civil process server from the department of public
8 safety's list under section 353C- , the [~~officer~~] sheriff,
9 deputy sheriff, police officer, or independent civil process
10 server shall cause a copy of the writ, with a return of the
11 [~~officer's~~] doings of the sheriff, deputy sheriff, police
12 officer, or independent civil process server thereon, to be
13 filed and registered within three months after the service and
14 before the return of the writ into the clerk's office. The
15 plaintiff, in case the judgment was that the plaintiff was
16 entitled to an estate in fee simple in the demanded premises, or
17 in any part thereof, and for which execution or writ of
18 possession issued, is thereupon entitled to the entry of a new
19 certificate of title."

20 SECTION 3. Section 603-29, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "**§603-29 Order to show cause.** Whenever a complaint has
2 been filed in circuit court alleging leased or rented personal
3 property the value of which is \$5,000 or more, has been retained
4 by the defendant fourteen days after the termination of the
5 lease or rental contract, either by passage of time or by reason
6 of any default under the terms and conditions of the lease or
7 rental contract, the plaintiff may petition the court for an
8 order to show cause.

9 Upon the filing of the petition with a copy of the lease or
10 rental contract and an affidavit sworn to by the plaintiff or
11 some competent affiant setting forth a statement of facts
12 sufficient to show the termination of the lease or rental
13 contract, the court may issue an order directing the defendant
14 to either return the leased or rented personal property to the
15 plaintiff or to appear and show cause for the possession at such
16 time as the court shall direct but [~~not~~] no later than ten days
17 from the date of service of the order to show cause. The order
18 to show cause shall also provide that if the leased or rented
19 personal property is not returned to the plaintiff [~~prior to~~]
20 before the hearing, the defendant shall, if reasonably feasible,
21 produce the property at the hearing. If, at the hearing, it is



1 proved to the satisfaction of the court that the plaintiff is
2 entitled to possession of the leased or rented personal
3 property, it shall issue an order directed to the sheriff,
4 deputy sheriff, [~~or person authorized by the rules of court,~~]
5 police officer, or independent civil process server from the
6 department of public safety's list under section 353C-
7 commanding the sheriff, deputy sheriff, [~~or other person~~
8 ~~authorized by the rules of court~~] police officer, or independent
9 civil process server to seize the personal property therein
10 described and to deliver the same to the plaintiff or the
11 plaintiff's agent. Service of the order to show cause shall be
12 as provided by law or rule of court for cases in the circuit
13 courts, or by registered mail or by certified mail with return
14 receipt showing delivery within the circuit."

15 SECTION 4. Section 604-6.2, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§604-6.2 Order to show cause.** Upon the filing of a
18 complaint with a copy of a lease or rental contract and an
19 affidavit sworn to by the plaintiff or some competent affiant
20 setting forth a statement of facts sufficient to show that the
21 leased or rented personal property has been in the defendant's



1 possession at least fourteen days after the termination of the
2 lease or rental contract, either by passage of time or by reason
3 of any default under the terms and conditions of the lease or
4 rental contract, the court may issue an order directing the
5 defendant to either return the leased or rented personal
6 property to the plaintiff or to appear and show cause for the
7 possession at such time as the court shall direct, but ~~[not]~~ no
8 later than ten days from the date of service of the order to
9 show cause. The order to show cause shall also provide that, if
10 the leased or rented personal property is not returned to the
11 plaintiff ~~[prior to]~~ before the hearing, the defendant shall, if
12 reasonably feasible, produce the property at the hearing. If,
13 at the hearing, it is proved to the satisfaction of the court
14 that the plaintiff is entitled to possession of the leased or
15 rented personal property, it shall issue an order directed to
16 the sheriff, deputy sheriff, ~~[or other person authorized by the~~
17 ~~rules of court]~~ police officer, or independent civil process
18 server from the department of public safety's list under
19 section 353C- _____ commanding the sheriff, deputy sheriff, ~~[or a~~
20 ~~person authorized by the rules of court]~~ police officer, or
21 independent civil process server to seize the personal property



1 therein described and to deliver the same to the plaintiff or
2 the plaintiff's agent. Service of the order to show cause shall
3 be as provided by law or rule of court for cases in the district
4 courts, or by registered mail or by certified mail with return
5 receipt showing delivery within the State."

6 SECTION 5. Section 607-4, Hawaii Revised Statutes, is
7 amended by amending subsection (d) to read as follows:

8 "(d) Fees of sheriff, deputy sheriff, police officer, or
9 ~~[other person authorized by the rules of court]~~ independent
10 civil process server from the department of public safety's list
11 under section 353C- shall be as provided under
12 section 607-8(a)."

13 SECTION 6. Section 607-8, Hawaii Revised Statutes, is
14 amended by amending its title and subsection (a) to read as
15 follows:

16 "~~§607-8 Fees of sheriff, deputy sheriff, police officer,~~
17 ~~servicing or levying officer, or [other person authorized by the~~
18 ~~rules of court in circuit court, intermediate appellate court,~~
19 ~~or supreme court.] independent civil process server. (a) For
20 all necessary travel in making the service, per mile for every
21 mile more than one.....60 cents; provided that:~~



- 1 (1) No allowance shall be made where the serving
2 individual uses a conveyance furnished to the serving
3 individual by the State, or any political or municipal
4 subdivision thereof;
- 5 (2) Where the serving individual serves more than one
6 person in the course of one trip, the serving
7 individual shall not charge, in the aggregate for all
8 services more than the mileage for the entire trip;
9 and
- 10 (3) As far as practicable, in order to minimize the
11 mileage fees for the service, the sheriff or [~~other~~]
12 chief of police of the serving police officers, or
13 [~~other person authorized by the rules of court where~~
14 ~~service of process is to be made upon an island other~~
15 ~~than that upon which is situated the court issuing the~~
16 ~~process,~~] independent civil process server from the
17 department of public safety's list under
18 section 353C- shall cause the process to be
19 transmitted to the sheriff, a deputy sheriff, the
20 chief of police, [~~other person authorized by the rules~~
21 ~~of court, or other serving individual]~~ a police



1 officer, or an independent civil process server upon
 2 the island of service who shall make the service upon
 3 receipt of the process; and the service shall be
 4 valid, notwithstanding that the process may not be
 5 addressed to the individual actually making the
 6 service or to the individual's superior.

7 For serving criminal summons or any other criminal process
 8 except a subpoena, for each person served therewith.....
 9 \$30 effective July 1, 2001. Service of criminal summons
 10 or any other criminal process shall be made only by persons
 11 authorized to serve criminal summons [~~in accordance with rules~~
 12 of court].

13 For serving civil summons, subpoena, subpoena duces tecum,
 14 or any other civil process, except a subpoena or a garnishee
 15 summons, for each person served therewith.....\$43
 16 effective July 1, 2015.

17 For serving: garnishee summons, for each
 18 person.....\$30 effective July 1, 2015.

19 For returning as unserved after due and diligent search any
 20 process when it has been found that the person to be served has
 21 left the State.....\$10 effective July 1, 2015.



1 For serving any execution or other process for the
2 collection of money, for every dollar collected up to \$10,000...
35 cents.

4 And for every dollar over \$10,000.....2-1/2 cents.

5 All fees paid to any printer for publishing an
6 advertisement of the sale of any property.

7 For every bill of sale.....\$4.

8 For executing and acknowledging a deed pursuant to a sale
9 of real estate to be paid by the grantee in the deed....\$10.

10 For drawing any bond required by law.....\$4.

11 For serving writ of possession or restitution, putting any
12 person entitled into the possession of premises, and removing a
13 tenant pursuant to order of court.....\$40.

14 Together [~~will~~] with all necessary expenses incurred by the
15 individual serving the writ, incident to the eviction.

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

19 The fees for service of executions, attachments, and
20 collection of judgments, together with all costs incurred after
21 judgment rendered, not included in the judgment, in all courts



1 of the State, shall be collected in addition to the sum directed
2 to be levied and collected in the writ.

3 In lieu of any fee under this subsection, the fee may be an
4 hourly rate of [~~not~~] no less than \$50 per hour agreed upon in
5 advance between the party requesting the service and the
6 sheriff, deputy sheriff, police officer, or [~~other person~~
7 ~~authorized by the rules of court~~] independent civil process
8 server performing the service."

9 SECTION 7. Section 633-8, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§633-8 Order to show cause.** Upon the filing of a
12 complaint with a copy of a lease or rental contract and an
13 affidavit sworn to by the plaintiff or some competent affiant
14 setting forth a statement of facts sufficient to show that the
15 leased or rented personal property has been in the defendant's
16 possession at least fourteen days after the termination of the
17 lease or rental contract, either by passage of time or by reason
18 of any default under the terms and conditions of the lease or
19 rental contract, the court may issue an order directing the
20 defendant to either return the leased or rented personal
21 property to the plaintiff or to appear and show cause for the



1 possession at such time as the court shall direct, but ~~[not]~~ no
2 later than five days from the date of service of the order to
3 show cause. The order to show cause shall also provide that, if
4 the leased or rented personal property is not returned to the
5 plaintiff ~~[prior to]~~ before the hearing, the defendant shall, if
6 reasonably feasible, produce the property at the hearing. If,
7 at the hearing, it is proved to the satisfaction of the court
8 that the plaintiff is entitled to possession of the leased or
9 rented personal property, it shall issue an order directed to
10 the sheriff, deputy sheriff, ~~[or other person authorized by the~~
11 ~~rules of court]~~ police officer, or independent civil process
12 server from the department of public safety's list under
13 section 353C- _____ commanding the sheriff, deputy sheriff, ~~[or~~
14 ~~other person authorized by the rules of court]~~ police officer,
15 or independent civil process server to seize the personal
16 property therein described and to deliver the same to the
17 plaintiff or the plaintiff's agent. Service of the order to
18 show cause shall be as provided by law or rule of court for
19 cases in the district courts, or by registered mail or by
20 certified mail with return receipt showing delivery within the
21 circuit."



1 SECTION 8. Section 634-11, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§634-11 Interpleader; application for order by sheriff~~
4 ~~[or other person authorized by the rules of court.]~~, deputy
5 sheriff, police officer, or independent civil process server.

6 When, in the execution of process against goods and chattels
7 issued by or under the authority of the courts of the State, by
8 reason of claims made to such goods and chattels by assignees of
9 bankrupts and other persons not being the parties against whom
10 such process had issued, whereby the sheriff, deputy sheriffs,
11 ~~[other]~~ police officers, or ~~[persons authorized by the rules of~~
12 ~~court]~~ independent civil process servers from the department of
13 public safety's list under section 353C- are exposed to the
14 hazard and expense of actions, any such claim shall be made to
15 any goods or chattels taken or intended to be taken in execution
16 under any such process or to the proceeds or value thereof, it
17 shall be lawful for the court, out of which the execution shall
18 have issued, or any judge thereof, upon application of the
19 sheriff, deputy sheriff, ~~[other]~~ police officer, or ~~[other~~
20 ~~person authorized by the rules of court,]~~ independent civil
21 process server made before or after the return of such process,



1 and as well before as after any action brought against the
2 sheriff, deputy sheriff, [~~other~~] police officer, or [~~other~~
3 ~~person authorized by the rules of court,~~] independent civil
4 process server to call before it or the judge by rule, order, or
5 summons, as well the party issuing such process as the party
6 making the claim. Thereupon the court or judge shall, for the
7 adjustment of the claims and the relief and protection of the
8 sheriff, deputy sheriff, [~~other~~] police officer, or [~~other~~
9 ~~person authorized by the rules of court,~~] independent civil
10 process server, make such rules, orders, and decisions as shall
11 appear to be just according to the circumstances of the case.
12 The costs of all such proceedings shall be in the discretion of
13 the court or judge."

14 SECTION 9. Section 634-12, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§634-12 Sale of property seized on execution, when.** When
17 goods or chattels have been seized in execution by the sheriff,
18 deputy sheriff, [~~other~~] a police officer, or [~~other person~~
19 ~~authorized by the rules of court,~~] an independent civil process
20 server from the department of public safety's list under
21 section 353C- under process of any court, and some third



1 person claims to be entitled under a bill of sale, chattel
2 mortgage, or otherwise, to the goods and chattels by way of
3 security for a debt, the court or a judge may order a sale of
4 the whole or part thereof, upon such terms as to the payment of
5 the whole or part of the secured debt or otherwise as it or the
6 judge shall think fit; and may direct the application of the
7 proceeds of sale in such manner and upon such terms as to the
8 court or judge may seem just."

9 SECTION 10. Section 634-22, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§634-22 Return.** In all cases where any process or order
12 of a court is served by any officer of the court or of the
13 police force or the sheriff, a deputy sheriff, an independent
14 civil process server from the department of public safety's list
15 under section 353C- , or any investigator appointed and
16 commissioned by the director of commerce and consumer affairs
17 pursuant to section 26-9(j), a record thereof shall be endorsed
18 upon the back of the process, complaint, order, or citation.
19 The record shall state the name of the person served and the
20 time and place of service and shall be signed by the sheriff,
21 deputy sheriff, police officer, independent civil process



1 server, or investigator making the service. If the [~~officer~~]
2 sheriff, deputy sheriff, police officer, independent civil
3 process server, or investigator fails to make service, the
4 [~~officer,~~] sheriff, deputy sheriff, police officer, independent
5 civil process server, or investigator in like manner, shall
6 endorse the reason for the [~~officer's~~] sheriff's, deputy
7 sheriff's, police officer's, independent civil process server's,
8 or investigator's failure and sign this record. When service is
9 made by a person specially appointed by the court, or [~~a person~~
10 ~~authorized by the rules of court, the person~~] an independent
11 civil process server, that person shall make declaration or
12 affidavit of that service.

13 The record, declaration, or the affidavit shall be prima
14 facie evidence of all it contains, and no further proof thereof
15 shall be required unless either party desires to examine the
16 sheriff, deputy sheriff, police officer [~~or person~~], independent
17 civil process server, or investigator making service, in which
18 case the sheriff, deputy sheriff, police officer [~~or person~~],
19 independent civil process server, or investigator shall be
20 notified to appear for examination."



1 SECTION 11. Section 634-29, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§634-29[+] In case of attachment, etc., of real
4 **property.** In all cases of attachment, sequestration, or
5 injunction of real property, the sheriff, deputy sheriff, police
6 officer, or independent civil process server from the department
7 of public safety's list under section 353C-___ serving the writ
8 shall, in addition to personal delivery of a copy thereof to the
9 defendant, post upon the premises a copy of the process, and a
10 notice of the day and hour when attached, sequestered, or
11 enjoined, and shall also give notice thereof in a newspaper or
12 newspapers suitable for the advertisement of judicial
13 proceedings. But in all cases where a writ of attachment is
14 issued in accordance with chapter 651 relating to attachments,
15 and the defendant in attachment was never a resident of the
16 State or has departed from the State or secretes oneself so that
17 the writ of attachment cannot be personally served upon the
18 defendant, personal service of the writ upon the defendant may
19 be dispensed with. All after-leases, mortgages, sales, devises,
20 assignments, trusts, or other conveyances of the property, until



1 the dissolution of the process, shall be void in law as against
2 the plaintiff in such cases."

3 SECTION 12. Section 651-1, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§651-1 General provisions.** (a) This chapter shall apply
6 to circuit and district courts. A judge of any court of record
7 may make any order at chambers which may by the provisions of
8 this chapter be made by the court in term time. When the
9 proceedings are before a district judge, the judge shall be
10 regarded as the clerk of the court for all purposes contemplated
11 herein. [~~The phrase "police officer", as used in this chapter,~~
12 ~~means the director of public safety or the director's duly~~
13 ~~authorized representative, any chief of police or subordinate~~
14 ~~police officer, or a person authorized by the rules of court.]
15 Nothing in this chapter shall be construed to permit a district
16 judge to issue a writ of attachment to be served out of the
17 circuit in which the judge's court is situated, or to permit an
18 attachment of real estate, or any interest therein, under a writ
19 issued by a district court judge.~~

20 (b) The department of public safety, the State, and the
21 agencies, officers, and employees of the department of public



1 safety or the State shall not be responsible or liable for the
 2 actions of any independent civil process server on the list
 3 maintained by the department of public safety pursuant to
 4 section 353C- . The maintenance of the list pursuant to
 5 section 353C- shall not create a private cause of action
 6 against the department of public safety, the State, or the
 7 agencies, officers, and employees of the department of public
 8 safety or the State.

9 (c) Nothing in this chapter shall be construed to make an
 10 independent civil process server a law enforcement officer,
 11 sheriff, or deputy sheriff, or an employee or agent of the
 12 department of public safety or the State.

13 (d) As used in this chapter, "police officer" means the
 14 director of public safety or the director's duly authorized
 15 representative, any chief of police or subordinate police
 16 officer, or an independent civil process server on the list
 17 maintained by the department of public safety pursuant to
 18 section 353C- ."

19 SECTION 13. Section 652-1.5, Hawaii Revised Statutes, is
 20 amended by amending subsection (a) to read as follows:



1 "(a) Except as provided in subsection (e), any creditor
2 desiring to secure a garnishment process before judgment shall
3 attach the creditor's petition for process, summons, and
4 direction to the following documents:

5 (1) An application, directed to the court to which such
6 action is made returnable, for garnishee process to
7 issue under section 652-1(a);

8 (2) An affidavit sworn to by the creditor or some
9 competent affiant setting forth a statement of facts
10 sufficient to show that probable validity exists to
11 sustain the validity of the creditor's claim;

12 (3) An order that a hearing be held before the court or a
13 judge thereof to determine whether or not the
14 garnishee process should be granted and that notice of
15 such hearing be given to the defendant debtor;

16 [+]and[+]

17 (4) A summons directed to [~~a proper officer~~] the sheriff,
18 deputy sheriff, a police officer, or an independent
19 civil process server from the department of public
20 safety's list under section 353C- commanding the
21 [~~officer~~] sheriff, deputy sheriff, police officer, or



1 independent civil process server to serve upon the
2 debtor at least four days [~~prior to~~] before the date
3 of the hearing, pursuant to chapter 634, the
4 application[~~]~~; a true and attested copy of the
5 petition, summons, and direction[~~]~~; the affidavit[~~]~~;
6 and the order and notice of hearing."

7 SECTION 14. Section 652-2, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§652-2 Garnishee, rights, duties; collection by [levying**
10 **officer.] sheriff, deputy sheriff, police officer, or**
11 **independent civil process server.** (a) The garnishee shall,
12 when summoned before judgment rendered against [~~his~~] the
13 garnishee's principal, if [~~he~~] the garnishee desires, be
14 admitted to defend [~~his~~] the garnishee's principal in the
15 action.

16 (b) If judgment is rendered in favor of the plaintiff, and
17 likewise in all cases in which the garnishee is summoned after
18 judgment, the garnishee fund, or such part thereof as may be
19 sufficient for that purpose, shall be liable to pay the same.
20 The plaintiff on praying out execution shall be entitled to have
21 included in the execution an order directing the sheriff, deputy



1 sheriff, police officer, or independent civil process server
2 from the department of public safety's list under
3 section 353C- serving the same to make demand of the
4 garnishee for the goods and effects of the defendant secured in
5 [~~his~~] the garnishee's hands, whose duty it will be to expose the
6 same to be taken on execution, and also to make demand of the
7 garnishee for the debt or wages secured in [~~his~~] the garnishee's
8 hands or the moneys held by [~~him~~] the garnishee for safekeeping,
9 or such part thereof as may satisfy the judgment. It shall be
10 the duty of the garnishee to pay the same. If the garnishee has
11 in any manner disposed of the goods and effects or does not
12 expose and subject the same to be taken on execution, or if the
13 garnishee does not pay to the sheriff, deputy sheriff, police
14 officer, or independent civil process server when demanded, the
15 debt or wages or moneys held for safekeeping, the garnishee
16 shall be liable to satisfy the judgment out of [~~his~~] the
17 garnishee's own estate, as [~~his~~] the garnishee's own proper
18 debt, if the goods or effects or debt or wages or moneys held
19 for safekeeping, be of sufficient value or amount and, if not,
20 then to the value of the same; provided that every garnishee,
21 whether summoned before or after judgment, shall be allowed to



1 retain or deduct from the goods, effects, and credits of the
2 defendant in [~~his~~] the garnishee's hands at the time of service
3 all demands against the defendant of which [~~he~~] the garnishee
4 could have availed [~~himself~~] the garnishee's self if [~~he~~] the
5 garnishee had not been [~~garnisheed,~~] garnished, whether the same
6 are at the time due or not, and whether by setoff on a trial or
7 by setoff of judgments or executions between [~~himself~~] the
8 garnishee and the defendant, and shall be liable only for the
9 balance after adjustment of all mutual demands between [~~himself~~]
10 the garnishee and the defendant; provided further that in such
11 adjustment, no demands for unliquidated damages for wrongs or
12 injuries shall be included, and that the judgment shall show the
13 amount of any setoff.

14 (c) No garnishee shall be liable to anyone for the
15 nonpayment of any sum or for the nondelivery of any goods or
16 effects when the garnishee in good faith believes, or has reason
17 to believe, that garnishment or other process affects the same,
18 though such be not the case, but this [~~paragraph~~] subsection
19 shall not supersede section 652-9 where the same are
20 applicable."



1 SECTION 15. Section 652-2.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§652-2.5[+] **Service on garnishee.** Service of the copy
4 upon the garnishee may be made in any of the manners here
5 described, namely:

- 6 (1) If the garnishee lives or has an office in the
7 district in which process is issued, by the [~~serv~~
8 ~~officer's~~] sheriff, deputy sheriff, police officer, or
9 independent civil process server from the department
10 of public safety's list under section 353C- handling
11 a copy to the garnishee in person or leaving it in the
12 garnishee's office in charge of some deputy or clerk
13 or other employees or attache of the office; or
- 14 (2) If the garnishee lives in a district other than that
15 in which the process was issued, by the [~~serv~~
16 ~~officer's~~] sheriff, deputy sheriff, police officer, or
17 independent civil process server handing a copy to the
18 garnishee in person, or by mailing it in a sealed
19 envelope, registered or certified, postage prepaid,
20 return receipt requested, and addressed to the
21 garnishee's last known home or business address."



1 SECTION 16. Section 652-2.6, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) In case of service upon the garnishee, the [~~servicing~~
4 ~~officer's~~] certificate of service or, if by mail, a copy of the
5 return receipt provided by the sheriff, deputy sheriff, police
6 officer, or independent civil process server from the department
7 of public safety's list under section 353C- shall be prima
8 facie proof of the service."

9 SECTION 17. Section 654-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§654-2 Bond.** (a) When the plaintiff desires the
12 immediate delivery of the property, the plaintiff shall execute
13 a bond to the defendant in possession of the property, and to
14 all persons having an interest in the property, of such amount
15 and with such sureties as are approved by the court, conditioned
16 that the plaintiff will prosecute the plaintiff's action to
17 judgment without delay, and deliver the property to the
18 defendant in possession or any other person, if such delivery is
19 adjudged, and pay all costs and damages that may be adjudged
20 against the plaintiff. Upon the filing of the verified
21 complaint or affidavit with the bond and a motion for immediate



1 consideration of the matter, the court shall forthwith inquire
2 into the matter, ex parte or otherwise, as in its discretion it
3 determines. If thereupon the court finds that a prima facie
4 claim for relief has been established, it shall issue an order
5 directed to the sheriff, [~~or the~~] sheriff's deputy, [~~or the~~]
6 chief of police, [~~or~~] an authorized police officer of any
7 county, or [~~a person authorized by the rules of court,~~] an
8 independent civil process server from the department of public
9 safety's list under section 353C- to take the property
10 therein described and deliver the same to the plaintiff.

11 (b) Copies of the verified complaint or affidavit, and, if
12 a bond for immediate seizure has been filed, of the bond, and,
13 if an order for the taking has been issued on an ex parte
14 hearing, of the order, shall forthwith be served upon the
15 defendant in possession and each person having or claiming a
16 possessory interest in the property, in the same manner as is
17 provided for service of summons unless the party to be served
18 has appeared in the action, in which case service may be made in
19 the same manner as is provided for service of papers other than
20 the summons. In a proper case, either before or after issuance
21 of an order for the taking, the required service may be combined



1 with the publication of the summons, in which event the giving
2 of notice of the substance of the proceeding shall be
3 sufficient.

4 (c) Upon the application of any party, the proceeding
5 shall be advanced and assigned for hearing at the earliest
6 possible date."

7 SECTION 18. Section 666-11, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§666-11 Judgment; writ of possession.** If it is proved to
10 the satisfaction of the court that the plaintiff is entitled to
11 the possession of the premises, the plaintiff shall have
12 judgment for possession, and for the plaintiff's costs.
13 Execution shall issue accordingly. The writ of possession shall
14 issue to the sheriff, deputy sheriff, police officer, or ~~[other~~
15 ~~person authorized by the rules of court of the circuit where the~~
16 ~~premises are situated,]~~ independent civil process server from
17 the department of public safety's list under section 353C- ,
18 commanding the sheriff, deputy sheriff, police officer, or
19 ~~[other person authorized by the rules of court]~~ independent
20 civil process server to remove all persons from the premises,



1 and to put the plaintiff, or the plaintiff's agent, into the
2 full possession thereof."

3 SECTION 19. Section 666-21, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) If the tenant is unable to comply with the court's
6 order under subsection (a) in paying the required amount of rent
7 to the court, the landlord shall have judgment for possession
8 and execution shall issue accordingly. The writ of possession
9 shall issue to the sheriff, deputy sheriff, police officer, or
10 ~~[other person authorized by the rules of court of the circuit~~
11 ~~where the premises are situated,]~~ independent civil process
12 server from the department of public safety's list under
13 section 353C- , ordering the sheriff, deputy sheriff, police
14 officer, or ~~[other person authorized by the rules of court]~~
15 independent civil process server to remove all persons and
16 possessions from the premises, and to put the landlord, or the
17 landlord's agent, into full possession of the premises."

18 SECTION 20. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun before its effective date.



1 SECTION 21. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 22. This Act shall take effect upon its approval.



Report Title:

Department of Public Safety; Independent Civil Process Servers

Description:

Re-enacts section 353C-10, Hawaii Revised Statutes, to authorize the department of public safety to maintain a list of independent civil process servers and amends several statutes to allow process servers to serve specific types of legal documents. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

