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February 22, 2021

Re: H.B. 1036 Relating to Public Safety
        Hearing: February 23, 2021 at 2 p.m.
        Testimony in Support

Dear Chair Nakashima, Vice-Chair Matayoshi and Committee Members:

This testimony is submitted on behalf of the Collection Law Section ("CLS") of the Hawaii State Bar Association.[1]

The Collection Law Section fully supports passage of this bill. Our members rely on private process servers to serve Writs of Possession, Writs of Replevin, Orders to Show Cause and garnishment orders as a daily part of their legal practice. The sunset provision in Act 101 (2015) that went into effect on June 30, 2020, resulted in a repeal of *inter alia* HRS §353C-10, §501-154, §603-29, §604-6.2, and §607-8, which removed express language that allowed private process servers to serve such writs and orders. Passage of this bill would reinstate that language

Thank you for considering our testimony in strong support of this bill.

/s/ Jane Sugimura
The Collection Law Section

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[1] The comments and recommendations submitted reflect the position/viewpoint of the Collection Law Section of the Hawaii State Bar Association only. The position/viewpoint has not been reviewed or approved by the HSBA Board of Directors.

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Honolulu, Hawaii 96814

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No. _____

TESTIMONY ON HOUSE BILL 1036
RELATING TO PUBLIC SAFETY.
By
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakahima, Chair
Scot Z. Matayoshi, Vice Chair

Thursday, February 23, 2021; 2:00 p.m.
Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) offers comments on House Bill
(HB) 1036, which re-enacts Hawaii Revised Statutes (HRS) Section 353C-110, 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.

HB 1036 proposes amendments to Chapter 353, and HRS sections that
will accomplish the following:

(1)   Update Sections 353C-10, 501-154, 603-29, 604.62, 607-4, 607-8,
633-8, 634-11, 634-12, 634-22, 634-29, 651-1, 652-1.5, 652-2, 652-2.5, 652-2.6,
654-2, 666-11, and 666-21 HRS, by re-enactment beyond the sunset date of June
30, 2020.

(2)   Clarify individuals authorized to serve legal process documents as
sheriff, deputy sheriff, police officer and independent civil process servers from
the department of public safety's list under Section 353C-10.

This bill is intended to update and re-enact the referenced statutes that were sunsetted on June 30, 2020. This Act will also provide clear guidelines for the limitation of authority, fee schedules and the specific services provided by process servicers who are required to be listed with the Department of Public Safety.

PSD notes there is a typographical error on Page 10, Line 11 of HB 1036. The sentence starts "Together **will** all necessary expenses incurred by the . . ." when section 607-8, HRS, says "Together **with** all necessary expenses incurred by the . . ." The Department respectfully requests that the Committee incorporate this amendment in House Draft 1 of this measure.

Thank you for the opportunity to provide this testimony.