

A Bill for an Act Relating to the Judiciary.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 607-4, Hawaii Revised Statutes, is amended to read:

“**Sec. 607-4 District court costs.** (a) The fees prescribed by subsection (b) shall be paid to the clerk of the district court as costs of court by the person instituting the action or proceeding, or offering the paper for filing, or causing the document to be issued or the services to be performed in the district court; provided that nothing in subsection (b) shall apply to cases of adults charged with commission of a crime, or minors referred to the district court by the family court; provided further that for the purposes of subsection (b) “judgment” includes an order from which an appeal lies.

(b) The fees referred to in subsection (a) are:

- (1) For the institution of each action or proceeding, to include all charges except as provided by paragraphs (2) to (13) . . . . . \$10
- (2) Intervention; answer containing one or more crossclaims or counterclaims; third party complaint, for each such matter . . . . . \$5
- (3) Motion or other application for: change of venue; involuntary dismissal, or preliminary hearing of a defense which may lead to involuntary dismissal; [judgement] judgment on the pleadings; summary judgment; new trial; vacating, altering, or amending judgment, for each such matter, provided that an application in the alternative shall be treated as one matter . . . . \$3
- (4) For the issuance of garnishee summons; writ of possession, attachment, or execution; or any other writ, for each such matter . . . . . \$3
- (5) Issuance of a subpoena, for each witness to be served . . . . . \$1
- (6) Deposition upon oral examination or written questions, or physical or mental examination, or examination of judgment debtor or other person under section 636-4, to be paid by the party filing the first paper in the matter, for each person whom the party seeks to question or examine. . \$3
- (7) Demand for jury trial . . . . . Fee prescribed by section 607-5

- (8) Filing of notice of appeal to the supreme court, to be paid in addition to the deposit of appellate court costs . . . . . \$30
- (9) Search of records by the clerk . . . . . \$2
- (10) Making of a copy; comparing of copy with original . . . . . Fees prescribed by section 92-21
- (11) Certification under seal of copy of pleading or other paper subsequent to the initial filing of the pleading or paper, except record on appeal . . . . . \$1
- (12) Exemplification, instead of [item] paragraph (1) . . . . . \$1
- (13) Posting notice; service fees; garnishee fees; mileage charges; or other services actually performed. . . . . Amounts necessary to cover actual costs or disbursements.

(c) The court, in taxing costs, may assess not only the costs of court, but also all reasonable disbursements as provided by section 607-9.

(d) Sheriff's or police officer's fees:

- (1) For serving any criminal summons, warrant, attachment, or other criminal process, [\$10.] \$15 effective July 1, 1980.
- (2) For serving any civil summons, warrant, attachment, or other civil process, \$6 effective July 1, 1978 and \$7 effective July 1, 1979.
- (3) For every copy of an attachment and inventory of the property attached, served upon the defendant, \$1.50.
- (4) For serving any execution, 12 cents for every \$1 collected up to \$50, and 7 cents for every \$1 over \$50.
- (5) For serving subpoena or garnishee summons, \$5.
- (6) For every mile of travel, more than one, in serving any process, [15] 18 cents; provided that (A) no such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof; (B) where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services, more than the mileage for the entire trip; and (C) as far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police, or other serving officer upon the island of service, who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may not be addressed to the officer actually making such service or to his superior.

(e) Anything in this section or any other law to the contrary notwithstanding, when any process or subpoena is served by a subordinate of the sheriff or chief of police, it shall be illegal for the sheriff or chief of police, (1) if and so long as he is being paid a salary by the State or the county to receive or collect from such subordinate any portion of the fees, mileage, or other expenses collected by such subordinate, or (2) if and so long as he is not being paid any such salary, to collect or receive from such subordinate more than ten per cent of the fees accruing from such service, or any portion of the mileage or other expenses collected by such subordinate. Where a subpoena is served in behalf of the State or any county by a nonsalaried subordinate

of the sheriff or chief of police, the regular fee for such service shall be payable to such subordinate. Nothing herein contained shall be deemed to prohibit the police commission of any county from requiring all such fees, mileage, and expenses to be paid into a police benefit fund.”

SECTION 2. Section 607-8, Hawaii Revised Statutes, is amended to read:

“Sec. 607-8 Sheriff’s or serving or levying officer’s fees in circuit court, intermediate appellate court, or supreme court. For all necessary travel in making such service, per mile for every mile more than one . . . [15] 18 cents provided that:

- (1) No such allowance shall be made where such serving officer uses a conveyance furnished him by the State, or any political or municipal subdivision thereof;
- (2) Where the serving officer serves more than one person in the course of one trip, he shall not charge, in the aggregate for all such services more than the mileage for the entire trip; and
- (3) As far as practicable, in order to minimize the mileage fees for such service, the sheriff or other chief of the serving officers, where service of process is to be made upon an island other than that upon which is situated the court issuing such process, shall cause such process to be transmitted to a deputy, the chief of police, or other serving officer upon the island of service who shall make such service upon receipt of such process; and such service shall be valid, notwithstanding that the process may not be addressed to the officer actually making such service or to his superior.

For serving criminal summons or any other criminal process except a subpoena, for each person served therewith . . . . . [10.] 15 effective July 1, 1980.

For serving civil summons or any other civil process, except a subpoena or a garnishee summons, for each person served therewith . . . . . \$6 effective July 1, 1978 and \$7 effective July 1, 1979.

For serving subpoena or garnishee summons, for each person . . . . . \$5.

For returning as unserved after due and diligent search any process when it has been found that the person to be served has left the State . . . . . \$2.

For serving any execution or other process for the collection of money, for every dollar collected up to \$500 . . . . . 5 cents.

And for every dollar over \$500 . . . . . 2½ cents.

All fees paid to any printer for publishing an advertisement of the sale of any property;

For every bill of sale . . . . . \$1.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in such deed . . . . . \$5.

For drawing any bond required by law . . . . . \$1.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court . . . . \$1.

Together with all necessary expenses incurred by the officer serving the writ, incident to the eviction.

For executing and acknowledging a deed pursuant to a sale of real estate to be paid by the grantee in such deed . . . . . \$5.

For drawing any bond required by law . . . . . \$1.

For serving writ of possession or restitution, putting any person entitled into the possession of premises, and removing a tenant pursuant to order of court . . . . . \$1.

Together with all necessary expenses incurred by the officer serving the writ, incident to the eviction.

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

The fees for service of executions, attachments, and collection of judgments, together with all costs incurred after judgment rendered, not included in the judgment, shall, in all† courts of the State, be collected in addition to the sum directed to be levied and collected in the writ.

Anything in this section or any other law to the contrary notwithstanding, when any process or subpoena is served by a subordinate of the sheriff or chief of police, it shall be illegal for the sheriff or chief of police (1) if and so long as he is being paid a salary by the State or the county to receive or collect from such subordinate any portion of the fees, mileage, or other expenses collected by such subordinate, or (2) if and so long as such sheriff or chief of police is not being paid any such salary, to collect or receive from such subordinate more than ten per cent of the fees accruing from such service, or any portion of the mileage or other expenses collected by such subordinate. Where a subpoena is served in behalf of the State or any county by a nonsalaried subordinate of the sheriff or chief of police, the regular fee for such service shall be payable to such subordinate. Nothing herein contained shall be deemed to prohibit the police commission of any county from requiring all such fees, mileage, and expenses be paid into a police benefit fund.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 22, 1980.)

---

†In section prior to amendment, here appeared the word “the”.