



The Judiciary, State of Hawai'i

Testimony to the Senate Committee on Public Safety, Intergovernmental and Military Affairs

Senator Will Espero, Chair
Senator Rosalyn Baker, Vice Chair

Tuesday, March 12, 2013, 2:45 p.m.
State Capitol, Conference Room 224

by

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Bill No. and Title: House Bill No. 951, HD1 Relating to the Service of Process

Purpose: Specifies the persons authorized to serve legal process. Authorizes the Director of Public Safety to maintain a list of independent process servers. Shields the State and the Department of Public Safety from liability arising from the acts of independent process servers. (HB951 HD1)

Judiciary's Position:

The Judiciary supports this bill and appreciates that the Department of Public Safety stopped providing a list of independent process servers because of concerns related to (1) the Department's legal authority to provide this list; and (2) the implicit approval it appeared to give the independent process servers whose names were on the list.

This bill addresses the concerns of PSD by authorizing PSD to maintain a list of independent civil process servers to process writs; and providing guidance as to what criteria should be used in disallowing one's name on the list. It also provides immunity from liability for PSD, the state and individual employees.



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We suggest that perhaps the bill should be amended to **mandate** the provision of the list by PSD instead of simply **authorizing** the list. If mandated by law to provide the list, it may: (1) alleviate concerns about whether “de-listing” may occur in the future; and (2) re-enforce the immunity provision by ensuring that the list provision is a legal requirement.

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