



**DEPARTMENT OF PUBLIC SAFETY (PSD)
REPORT TO THE 2014 LEGISLATURE**

ACT 116

**REQUIRES PSD TO ESTABLISH A WORKING GROUP
RELATING TO THE SERVICE OF PROCESS**

December 2013

ACT 116, Session Laws of Hawaii (SLH) 2013

Act 116, SLH 2013, requires the Department of Public Safety (PSD) to establish a working group relating to the service of process, and to provide a report to the Legislature no later than 20 days before the convening of the 2014 Legislative Session. Act 116 further requires PSD to establish a working group to conduct the following:

1. Define and delineate the duties and responsibilities of process servers under its jurisdiction;
2. Create a process of registration for process servers in the state;
3. Examine the licensing requirements of and jurisdictional concerns with the private process server industry in the State; and
4. Address other issues deemed relevant by the working group or by PSD

The working group was convened by the Director of Public Safety, and met for the first time on September 18, 2013. This working group was attended by the following:

1. PSD: Director Ted Sakai, Chair, with Deputy Director of Law Enforcement Shawn Tsuha, as his designee
2. PSD Sheriff Division: Sheriff Robin Nagamine
3. PSD Sheriff Division: First Deputy Patrick Lee
4. Civil Process Server: Richard Mitchell
5. Civil Process Server: Daniel Toyama
6. Judiciary: Lori Okita
7. Judiciary: Susan Gochros
8. Department of Commerce and Consumer Affairs: Celia Suzuki
9. Legal Aid Society: Russ Awakuni
10. The Plum Law Office: William Plum

The working group has determined that it will continue to collaborate to address fundamental issues regarding civil process service. The working group also recommends to the Legislature:

1. Require a Sunrise Analysis of Process Servers be conducted by the State Auditor, with a proposed occupational licensing requirement for civil process servers in the State of Hawaii.
2. Examine and revise the fee structure for the service of process found in the Hawaii Revised Statutes.

In addition, PSD has revised the current list of civil process servers and the application process to meet the recent mandates of Act 116. However, it is essential that a full review of the service of process be conducted since the last Sunrise Analysis of this issue occurred in 1991.