
A BILL FOR AN ACT

RELATING TO COURT APPOINTED COUNSEL.

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

1 SECTION 1. Act 86, Session Laws of Hawaii 2005, is amended
2 by amending section 1 to read as follows:

3 "SECTION 1. Section 802-5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§802-5 Appointment of counsel; compensation.** (a) When
6 it shall appear to a judge that a person requesting the
7 appointment of counsel satisfies the requirements of this
8 chapter, the judge shall appoint counsel to represent the person
9 at all stages of the proceedings, including appeal, if any. If
10 conflicting interests exist, or if the interests of justice
11 require, the court may appoint private counsel, who shall
12 receive reasonable compensation for necessary expenses,
13 including travel, the amount of which shall be determined by the
14 court, and reasonable fees pursuant to subsection (b). All
15 expenses and fees shall be ordered by the court. Duly ordered
16 payment shall be made upon vouchers approved by the director of
17 finance and warrants drawn by the comptroller.



1 (b) The court shall determine the amount of reasonable
2 compensation to appointed counsel, based on the rate of \$90 an
3 hour; provided that the maximum allowable fee shall not exceed
4 the following schedule:

5	(1) Any felony case	\$6,000
6	(2) Misdemeanor case - jury trial	3,000
7	(3) Misdemeanor case - jury waived	1,500
8	(4) Appeals [to the intermediate	
9	appellate court]	5,000
10	(5) Petty misdemeanor case	900
11	(6) Any other type of administrative	
12	or judicial proceeding, including	
13	cases arising under section	
14	571-11(1), 571-14(a)(1), or	
15	571-14(a)(2).	3,000

16 Payment in excess of any maximum provided for under
17 paragraphs (1) to (6) may be made whenever the court in which
18 the representation was rendered certifies that the amount of the
19 excess payment is necessary to provide fair compensation and the
20 payment is approved by the administrative judge of that court.

21 (c) The public defender and the judiciary shall submit to
22 the department of budget and finance for inclusion in the



1 department's budget request for each fiscal biennium, the amount
2 required for each fiscal year for the payment of fees and
3 expenses pursuant to this section."

4 SECTION 2. Statutory material to be repealed is bracketed
5 and stricken.

6 SECTION 3. This Act shall take effect on July 1, 2006.



SB 1317 501

401

Report Title:

Appointed Counsel; Compensation

Description:

Amends Act 86, Session Laws of Hawaii 2005, to remove language limiting compensation to court-appointed counsel for appeals to those made to the Intermediate Appellate Court. Effective date July 1, 2006. (SB1317 HD1)

SB1317 HD1 HMS 2006-3413

