

Honolulu, Hawaii

April 7, 2006

RE: S.B. No. 1317  
S.D. 1  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Third State Legislature  
Regular Session of 2006  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1317, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL,"

begs leave to report as follows:

The purpose of this bill, as received, is to set a reasonable rate of compensation for private counsel appointed by the court to represent a person through all stages of a court proceeding, including the appeal process, if necessary.

The Office of the Public Defender and Office of the Prosecuting Attorney of the County of Kauai supported this bill. The Judiciary supported the intent of this measure. The Department of Budget and Finance opposed this bill.

With the exception of the fee caps, the statutory changes proposed by this bill have already been made by Act 86, Session Laws of Hawaii 2005 (Act 86), which takes effect on July 1, 2006. However, Act 86 permits compensation for appeals to the Intermediate Appellate Court only. There is a concern that Act 86 may be interpreted to prevent compensation for appeals pending in or decided by the Supreme Court prior to the effective date of Act 86.

Accordingly, your Committee has amended this bill by deleting its contents and inserting provisions that:

SB1317 HD1 HSCR JUD HMS 2006-3413



- (1) Amend Act 86 to remove language limiting compensation for appeals to those made to the Intermediate Appellate Court; and
- (2) Take effect on July 1, 2006.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1317, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1317, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



SYLVIA LUKE, Chair



