
A BILL FOR AN ACT

RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES.

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

1 SECTION 1. The legislature finds that the Access to
2 Justice Hui's final report of November 2007 found that four out
3 of five low- and moderate-income residents do not have their
4 legal services needs met and that legal service providers are
5 only able to assist one in three who contact them for
6 assistance. The legislature further finds that to increase the
7 delivery of legal services, more funding is necessary and can be
8 generated by increasing the surcharge for indigent legal
9 services, as recommended by the Access to Justice Hui.

10 SECTION 2. Section 607-5.7, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsections (a) and (b) to read:

13 "(a) In addition to the costs and fees prescribed in
14 section 607-5, any person in a civil action in the circuit court
15 who is required to pay an initial filing fee shall pay an
16 additional surcharge of [~~\$25~~] \$50 at the time of the person's



1 initial filing. Initial filings for which this surcharge shall
2 be assessed include:

3 (1) Complaints, petitions, interventions, applications for
4 special proceedings, and answers containing one or
5 more cross-claims or counter-claims; and

6 (2) Third party complaints, but shall not include post-
7 judgment civil process.

8 (b) In addition to the costs and fees prescribed in
9 section 607-4, any person [~~who files an action for summary~~
10 ~~possession in the district court~~] in a civil action in the
11 district court who is required to pay an initial filing fee
12 shall pay an additional surcharge of [~~\$10~~] \$25 at the time of
13 the person's initial filing. Any person in a civil action in
14 the supreme court who is required to pay an initial filing fee
15 also shall pay an additional surcharge of \$25 at the time of the
16 person's filing. No surcharge shall be assessed against:

17 (1) Small claims cases;

18 (2) Petitions for temporary restraining orders;

19 (3) Petitions for protective orders;

20 (4) Any party who has received the court's permission to
21 proceed in forma pauperis; or

22 (5) Any party proceeding on behalf of the county or State.



1 Surcharges subject to this section shall be limited to one
2 payment per party."

3 2. By amending subsection (h) to read:

4 "(h) As used in this section, unless the context otherwise
5 requires:

6 "Civil legal services" means direct legal services provided
7 by attorneys or by attorney-supervised staff to clients in civil
8 matters, including pro bono, judicial, and administrative
9 advocacy relating to the civil legal problems of indigents.

10 "Indigent person" means:

11 (1) Any individual whose income is not greater than [~~one~~
12 ~~hundred twenty five~~] two hundred fifty per cent of the
13 official poverty line established by the Secretary of
14 Health and Human Services under the Community Services
15 Block Grant Act, Title 42 [~~U.S.C. section~~] United
16 States Code Section 9902;

17 (2) Any individual who is eligible for free services under
18 the Older Americans Act or Developmentally Disabled
19 Act; or

20 (3) Any organization or client group whose purpose is to
21 further the interests of indigent persons and which is



1 at least fifty per cent composed of persons who meet
2 the requirements of paragraph (1) or (2)."

3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun, before its effective date.

6 SECTION 4. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 5. This Act shall take effect on July 1, 2008.



Report Title:

Indigent Legal Services; Surcharge

Description:

Increases indigent legal services funding by increasing the surcharge on initial filing fees for civil actions. (HB3422 HD1)

