
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~~] \$___ 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~~] \$___ 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 also pay an additional surcharge of \$25 at the time
16 of the 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~~] _____ per cent of the official

13 poverty line established by the Secretary of Health

14 and Human Services under the Community Services Block

15 Grant Act, Title 42 [~~U.S.C. section~~] United States

16 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, 2020.



Report Title:

Indigent Legal Services; Surcharge

Description:

Increases indigent legal services funding by increasing the surcharge on initial filing fees for civil actions. (HB3422 HD2)

