
A BILL FOR AN ACT

RELATING TO A SURCHARGE FOR INDIGENT SERVICES.

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

1 SECTION 1. The legislature finds that the 2007 study,
2 Assessment of Civil Legal Needs and Barriers of Low- and
3 Moderate-Income People of Hawaii, determined that four out of
4 five low- and moderate-income residents did not have their legal
5 needs met and that legal service providers are only able to
6 assist one in three who contact them for assistance.

7 The legislature also finds that more funding is necessary
8 to increase the delivery of legal services. Additional funds
9 could be generated by increasing the surcharge for indigent
10 legal services, as recommended by the Access to Justice Hui in
11 its Community Wide Action Plan: Ten Steps to Increase Access to
12 Justice in Hawaii by 2010.

13 SECTION 2. Section 607-5.7, Hawaii Revised Statutes, is
14 amended by amending subsections (a) and (b) as follows:

15 "(a) In addition to the costs and fees prescribed in
16 section 607-5, any person in a civil action in the circuit court
17 who is required to pay an initial filing fee shall pay an
18 additional surcharge of [~~\$25~~] \$65 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~~] Third-party complaints, but shall not
7 include post-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~~] \$35 at the time of
13 the person's initial filing. Any person in a civil action in
14 the [~~supreme court~~] courts of appeal who is required to pay an
15 initial filing fee [~~also~~] shall also pay an additional surcharge
16 of [~~\$25~~] \$65 at the time of the person's filing. No surcharge
17 shall be assessed against:

18 (1) Small claims cases;

19 (2) Petitions for temporary restraining orders;

20 (3) Petitions for protective orders;

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



H.B. NO. 1381

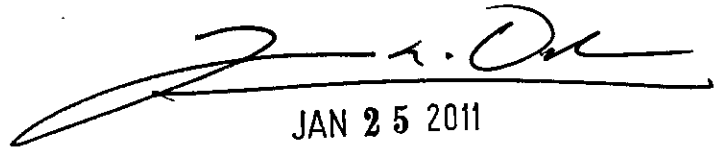
1 (5) Any party proceeding on behalf of the county or State.
2 Surcharges subject to this section shall be limited to one
3 payment per party."

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 1, 2011.

7

INTRODUCED BY:



JAN 25 2011



Report Title:

Indigent Legal Services

Description:

Increases the surcharge on court filing fees used to fund indigent legal services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

