

JAN 21 2011

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# 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 in November 2007,  
2 the Access to Justice Hui released a report entitled:  
3 "Achieving Access to Justice for Hawai'i's People". Part of that  
4 report, "The 2007 Assessment of Civil Legal Needs and Barriers  
5 of Low- and Moderate-Income People in Hawai'i", noted that four  
6 out of five low- and moderate-income residents did not have  
7 their legal needs met, and that legal service providers are only  
8 able to assist one in three who contact them for assistance.

9           The legislature also finds that in order to increase the  
10 delivery of legal services, more funding is necessary.  
11 Additional funds could be generated by increasing the surcharge  
12 for indigent legal services, as recommended by another component  
13 of the above report, "The Community Wide Action Plan: Ten Steps  
14 to Increase Access to Justice in Hawai'i by 2010".

15           The purpose of this Act is to implement the funding  
16 recommendation of the Access to Justice Hui by increasing the  
17 amount of the surcharges for indigent legal fees.



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

3 "(a) In addition to the costs and fees prescribed in  
4 section 607-5, any person in a civil action in the circuit court  
5 who is required to pay an initial filing fee shall pay an  
6 additional surcharge of [~~\$25~~] \$65 at the time of the person's  
7 initial filing. Initial filings for which this surcharge shall  
8 be assessed include:

- 9 (1) Complaints, petitions, interventions, applications for  
10 special proceedings, and answers containing one or  
11 more cross-claims or counter-claims; and  
12 (2) [~~Third party~~] Third-party complaints, but shall not  
13 include post-judgment civil process.

14 (b) In addition to the costs and fees prescribed in  
15 section 607-4, any person [~~who files an action for summary~~  
16 ~~possession in the district court~~] in a civil action in the  
17 district court who is required to pay an initial filing fee  
18 shall pay an additional surcharge of [~~\$10~~] \$35 at the time of  
19 the person's initial filing. Any person in a civil action in  
20 the [~~supreme court~~] courts of appeal who is required to pay an  
21 initial filing fee also shall pay an additional surcharge of



1 [~~\$25~~] \$65 at the time of the person's filing. No surcharge  
2 shall be assessed against:

- 3 (1) Small claims cases;
- 4 (2) Petitions for temporary restraining orders;
- 5 (3) Petitions for protective orders;
- 6 (4) Any party who has received the court's permission to  
7 proceed in forma pauperis; or
- 8 (5) Any party proceeding on behalf of the county or State.

9 Surcharges subject to this section shall be limited to one  
10 payment per party."

11 SECTION 3. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Chris Hee



**Report Title:**

Indigent Legal Fees; Surcharge

**Description:**

Increases the amount of surcharges for indigent legal fees.

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

