
A BILL FOR AN ACT

RELATING TO THE PROBATION SERVICES FEE.

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

1 SECTION 1. Section 706-648, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) The court, when sentencing a defendant to
4 probation[7] or granting a plea under section 853-1, shall order
5 the defendant to pay a probation services fee. The amount of
6 the fee shall be as follows:

7 (a) \$150, when the term of probation or period of deferral
8 is for more than one year; or

9 (b) \$75, when the term of probation or period of deferral
10 is for one year or less;

11 provided that no fee shall be ordered when the court determines
12 that the defendant is unable to pay the fee."

13 SECTION 2. Section 853-1, Hawaii Revised Statutes, is
14 amended by amending subsection (b) to read as follows:

15 "(b) The proceedings may be deferred upon any of the
16 conditions specified by section 706-624. As a further
17 condition, the court shall impose a compensation fee pursuant to
18 section 351-62.6 and a probation services fee pursuant to



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1 section 706-648 upon every defendant who has entered a plea of
 2 guilty or nolo contendere to a petty misdemeanor, misdemeanor,
 3 or felony; provided that the court shall waive the imposition of
 4 a compensation or probation services fee, if it finds that the
 5 defendant is unable to pay the compensation or deferred services
 6 fee. The court may defer the proceedings for a period of time
 7 as the court shall direct but in no case to exceed the maximum
 8 sentence allowable; provided that, if the defendant has entered
 9 a plea of guilty or nolo contendere to a petty misdemeanor, the
 10 court may defer the proceedings for a period not to exceed one
 11 year. The defendant may be subject to bail or recognizance at
 12 the court's discretion during the period during which the
 13 proceedings are deferred."

14 SECTION 3. Statutory material to be repealed is bracketed
 15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Calvin K. Y. Say

By Request

JAN 21 2011



Report Title:

Probation Services Fee; Deferred Plea

Description:

Imposes a probation services fee on any defendant granted a deferred acceptance of guilty or no contest plea.

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

