



GOV. MSG. NO. 1412

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB297 HD1 SD1

RELATING TO THE PROBATION SERVICES
FEE.

Act 295 (12)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

Approved by the Governor

on JUL 9 2012

ORIGINAL

ACT 295

HOUSE OF REPRESENTATIVES
TWENTY-SIXTH LEGISLATURE, 2011
STATE OF HAWAII

H.B. NO. 297
H.D. 1
S.D. 1

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[~~]~~ or granting deferral of a plea under section 853-1,
5 shall order the defendant to pay a probation services fee. The
6 amount of 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



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 probation
6 services fee. The court may defer the proceedings for a period
7 of time as the court shall direct but in no case to exceed the
8 maximum sentence allowable; provided that, if the defendant has
9 entered a plea of guilty or nolo contendere to a petty
10 misdemeanor, the court may defer the proceedings for a period
11 not to exceed one year. The defendant may be subject to bail or
12 recognizance at the court's discretion during the period during
13 which the proceedings are deferred."

14 SECTION 3. This Act shall not apply to any defendant
15 granted a deferred acceptance of guilty or no contest plea
16 before the effective date of this Act.

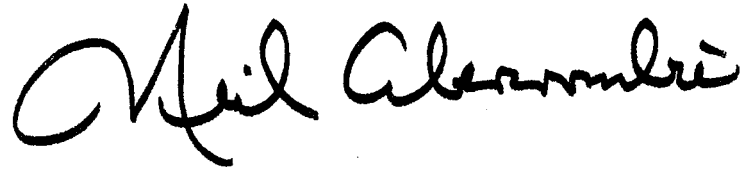
17 SECTION 4. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



H.B. NO. 297
H.D. 1
S.D. 1

APPROVED this 9 day of JUL , 2012

A handwritten signature in black ink, reading "Neil Abernethy". The signature is written in a cursive style with a large initial "N".

GOVERNOR OF THE STATE OF HAWAII