
A BILL FOR AN ACT

RELATING TO ATTORNEY'S FEES.

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

1 SECTION 1. The legislature finds that section 28-6, Hawaii
2 Revised Statutes, has been improperly interpreted by some courts
3 as a prohibition on an award of attorney's fees and litigation
4 costs to the department of the attorney general. The department
5 of the attorney general should not be denied attorney's fees and
6 litigation costs when it prevails in a court action.

7 The purpose of this Act is to clarify that the law allows a
8 court to award attorney's fees and litigation costs to the
9 department of the attorney general when it prevails in a court
10 action and the award of attorney's fees and litigation costs is
11 authorized by statute, rule of court, agreement, stipulation, or
12 precedent.

13 SECTION 2. Section 28-6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§28-6 No fee; not to act as attorney.** The attorney
16 general shall not personally receive any fee or reward from or
17 [~~in~~] on behalf of any person or prosecutor, for services
18 rendered in any prosecution or business to which it shall be the



1 attorney general's official duty to attend; nor be concerned as
2 counsel or attorney for either party in any civil action
3 depending upon the same state of facts[-]; provided that the
4 department of the attorney general may be awarded attorney's
5 fees and litigation costs when the State is the prevailing party
6 in a court action and the award of attorney's fees and
7 litigation costs is authorized by statute, rule of court,
8 agreement, stipulation, or precedent."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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



Report Title:

Attorney's Fees; Attorney General

Description:

Clarifies that the Department of the Attorney General is allowed to recover attorney's fees and litigation costs where the State is the prevailing party in a court action and such recovery is authorized by statute, rule of court, agreement, stipulation, or precedent. (SB889 HD1)

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