



# GOV. MSG. NO. 1363

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

I am transmitting herewith SB2557, without my approval and with the statement of objections relating to the measure.

SB2557

RELATING TO LEGAL REPRESENTATION.

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

EXECUTIVE CHAMBERS

HONOLULU

July 9, 2024

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2557

Honorable Members  
Thirty-Second Legislature  
State of Hawai'i

Under Section 16 of Article III of the Constitution of the State of Hawai'i, I am returning, without my approval, Senate Bill No. 2557, entitled "A Bill for an Act Relating to Legal Representation."

The purpose of this bill is to allow a court to appoint an attorney for the subject of a petition for Assisted Community Treatment (ACT) if the court determines that the interests of justice require one be appointed, rather than entitling an indigent subject of an ACT petition to be represented by a public defender.

This bill is objectionable because the amendments in sections 7 and 12 of House Bill No. 2159, Relating to Mental Health, and the amendments provided in this bill are virtually identical to each other, with only minimal stylistic differences. The enactment of House Bill No. 2159 renders this bill redundant.

Respectfully,



JOSH GREEN, M.D.  
Governor of Hawai'i

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A BILL FOR AN ACT

RELATING TO LEGAL REPRESENTATION.

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

1 SECTION 1. Section 334-126, Hawaii Revised Statutes, is  
2 amended by amending subsection (f) to read as follows:

3 "(f) The court may appoint an attorney for the subject of  
4 the petition if the court determines that the interests of  
5 justice require one be appointed. If the subject of the  
6 petition is represented by [~~their own~~] an attorney, whether  
7 retained by the subject or appointed by the court, the attorney  
8 shall be allowed adequate time for investigation of the matters  
9 at issue and for preparation, and shall be permitted to present  
10 the evidence that the attorney believes necessary for a proper  
11 disposition of the proceeding."

12 SECTION 2. Section 802-1, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14 "(a) Any indigent person who is:  
15 (1) Arrested for, charged with, or convicted of an offense  
16 or offenses punishable by confinement in jail or  
17 prison or for which the person may be or is subject to  
18 the provisions of chapter 571;



1           (2) Threatened by confinement, against the indigent  
2           person's will, in any psychiatric or other mental  
3           institution or facility; or  
4        ~~[(3) The subject of a petition for assisted community~~  
5        ~~treatment under chapter 334; or~~  
6        +(4)] (3) The subject of a petition for involuntary medical  
7           treatment under chapter 353,  
8 shall be entitled to be represented by a public defender. If,  
9 however, conflicting interests exist, or if the public defender  
10 for any other reason is unable to act, or if the interests of  
11 justice require, the court may appoint other counsel."

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

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



S.B. NO.

2557  
S.D. 1  
H.D. 1  
C.D. 1


APPROVED this                      day of                      , 2024


GOVERNOR OF THE STATE OF HAWAII

**THE SENATE OF THE STATE OF HAWAI'I**

Date: May 1, 2024  
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.

  
President of the Senate

  
Clerk of the Senate

SB No. 2557, SD 1, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives