

JAN 19 2024

A BILL FOR AN ACT

RELATING TO LEGAL REPRESENTATION.

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

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

3 "(a) Any indigent person who is:

4 (1) Arrested for, charged with, or convicted of an offense
5 or offenses punishable by confinement in jail or
6 prison or for which the person may be or is subject to
7 the provisions of chapter 571;

8 (2) Threatened by confinement, against the indigent
9 person's will, in any psychiatric or other mental
10 institution or facility;

11 ~~[(3) The subject of a petition for assisted community~~
12 ~~treatment under chapter 334;]~~ or

13 ~~[(4)]~~ (3) The subject of a petition for involuntary medical
14 treatment under chapter 353,

15 shall be entitled to be represented by a public defender. If,
16 however, conflicting interests exist, or if the public defender



1 for any other reason is unable to act, or if the interests of
2 justice require, the court may appoint other counsel."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Summi", is written over a horizontal line. The signature is stylized with a large initial 'S' and a dot at the end.

S.B. NO. 2557

Report Title:

Public Defender; Hawaii Paroling Authority; Legal Representation

Description:

Repeals paragraph (3) of section 802-1(a), Hawaii Revised Statutes, which entitles the subject of a petition for assisted community treatment to legal representation by a public defender.

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

