
A BILL FOR AN ACT

RELATING TO COMPENSATION FOR COURT-APPOINTED COUNSEL.

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

1 SECTION 1. Section 802-5, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The court shall determine the amount of reasonable
4 compensation to appointed counsel, based on the rate of [~~\$90~~
5 \$150 an hour; provided that the maximum allowable fee shall not
6 exceed the following schedule:

7	(1) Any felony case	[\$6,000]	<u>\$12,000</u>
8	(2) Misdemeanor case-jury trial	[3,000]	<u>\$6,000</u>
9	(3) Misdemeanor case-jury waived	[1,500]	<u>\$3,000</u>
10	(4) Appeals	[5,000]	<u>\$9,000</u>
11	(5) Petty misdemeanor case	[900]	<u>\$1,800</u>
12	(6) Any other type of administrative or		
13	judicial proceeding, including cases		
14	arising under section 571-11(1) [7] <u>or</u>		
15	571-14(a) (1) [7] <u>or</u> [571-14(a)] (2) [3,000.]		<u>\$6,000.</u>

16 Payment in excess of any maximum provided for under
17 paragraphs (1) to (6) may be made whenever the court in which



1 the representation was rendered certifies that the amount of the
2 excess payment is necessary to provide fair compensation and the
3 payment is approved by the administrative judge of that court."

4 SECTION 2. In accordance with section 9 of article VII, of
5 the Constitution of the State of Hawaii and sections 37-91 and
6 37-93, Hawaii Revised Statutes, the legislature has determined
7 that the appropriation contained in this Act will cause the
8 state general fund expenditure ceiling for fiscal year 2024-2025
9 to be exceeded by \$, or per cent. The reasons
10 for exceeding the general fund expenditure ceiling are that the
11 appropriation made in this Act is necessary to serve the public
12 interest and to meet the needs provided for by this Act.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$2,500,000 or so much
15 thereof as may be necessary for fiscal year 2024-2025 to carry
16 out the purposes of this Act.

17 The sum appropriated shall be expended by the department of
18 budget and finance for the purposes of this Act.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

21 SECTION 5. This Act shall take effect on July 1, 2024.



Report Title:

Judiciary Package; Criminal Proceedings; Court-Appointed
Counsel; Fees; Expenditure Ceiling; Appropriation

Description:

Increases the rate of compensation and maximum allowable amounts
per case for court-appointed counsel in criminal proceedings.
Declares that the general fund expenditure ceiling is exceeded.
Appropriates funds. (SD1)

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not legislation or evidence of legislative intent.*

