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



1 prison or for which the person may be or is subject to
2 the provisions of chapter 571;

3 (2) Threatened by confinement, against the indigent
4 person's will, in any psychiatric or other mental
5 institution or facility;

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

8 ~~[(4)]~~ (3) The subject of a petition for involuntary medical
9 treatment under chapter 353,

10 shall be entitled to be represented by a public defender. If,
11 however, conflicting interests exist, or if the public defender
12 for any other reason is unable to act, or if the interests of
13 justice require, the court may appoint other counsel."

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

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



Report Title:

Public Defender; Hawaii Paroling Authority; Legal Representation

Description:

Allows a court to appoint an attorney for the subject of a petition for assisted community treatment if the interests of justice require one be appointed. 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. (SD1)

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

