

ACT 76

S. B. NO. 908

A Bill for an Act Relating to Counsel for Indigent Criminal Defendants.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 705C-1, Hawaii Revised Statutes, is amended to read:

“Sec. 705C-1† Right to representation by public defender or other appointed counsel. Any indigent person who is (1) arrested for, charged with or convicted of an offense or offenses punishable by confinement in jail or prison

† Revisor’s note: Section 705C-1 was renumbered 722-1, pursuant to L 1972 c 9, §1.

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or for which such person may be or is subject to the provisions of Chapter 571, Hawaii Revised Statutes; (2) threatened by confinement, against his will, in any psychiatric or other mental institution or facility, shall be entitled to be represented by a public defender. If, however, conflicting interests exist, or if the public defender for any other reason is unable to act, or if the interests of justice require, the court may appoint other counsel.

The appearance of the public defender in all judicial proceedings shall be subject to court approval.

The appearance of a public defender in all hearings before the board of paroles and pardons or other administrative body or agency shall be subject to the approval of the chairman of the board of paroles and pardons or the administrative head of the body or agency involved.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this act, the revisor of statutes need not include the brackets, the bracketed material or the underscoring.*

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

(Approved May 15, 1973.)

*Edited accordingly.