

A Bill for an Act Relating to the Probation Services Fee.

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

SECTION 1. Section 706-648, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) The court, when sentencing a defendant to probation^[5] or granting deferral of a plea under section 853-1, shall order the defendant to pay a probation services fee. The amount of the fee shall be as follows:

- (a) \$150, when the term of probation or period of deferral is for more than one year; or
- (b) \$75, when the term of probation or period of deferral is for one year or less;

provided that no fee shall be ordered when the court determines that the defendant is unable to pay the fee.”

SECTION 2. Section 853-1, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The proceedings may be deferred upon any of the conditions specified by section 706-624. As a further condition, the court shall impose a compensation fee pursuant to section 351-62.6 and a probation services fee pursuant to section 706-648 upon every defendant who has entered a plea of guilty or nolo contendere to a petty misdemeanor, misdemeanor, or felony; provided that the court shall waive the imposition of a compensation or probation services fee, if it finds that the defendant is unable to pay the compensation or probation services fee. The court may defer the proceedings for a period of time as the court shall direct but in no case to exceed the maximum sentence allowable; provided that, if the defendant has entered a plea of guilty or nolo contendere to a petty misdemeanor, the court may defer the proceedings for a period not to exceed one year. The defendant may be subject to bail or recognizance at the court’s discretion during the period during which the proceedings are deferred.”

SECTION 3. This Act shall not apply to any defendant granted a deferred acceptance of guilty or no contest plea before the effective date of this Act.

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved July 9, 2012.)