

JAN 19 2024

---

---

# 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	[ <del>\$6,000</del> ]	<u>\$12,000</u>
8	(2) Misdemeanor case-jury trial	[ <del>3,000</del> ]	<u>\$6,000</u>
9	(3) Misdemeanor case-jury waived	[ <del>1,500</del> ]	<u>\$3,000</u>
10	(4) Appeals	[ <del>5,000</del> ]	<u>\$9,000</u>
11	(5) Petty misdemeanor case	[ <del>900</del> ]	<u>\$1,800</u>
12	(6) Any other type of administrative or		
13	judicial proceeding, including cases		
14	arising under section 571-11(1),		
15	571-14(a)(1), or 571-14(a)(2)	[ <del>3,000</del> ]	<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  
10 reasons for exceeding the general fund expenditure ceiling are  
11 that the appropriation made in this Act is necessary to serve  
12 the public interest and to meet the needs provided for by this  
13 Act.

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

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

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 Statutory material to be repealed is bracketed  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





# S.B. NO. 2377

**Report Title:**

Judiciary Package; Criminal Proceedings; Court-appointed Counsel; Fees; Appropriation; General Fund Expenditure Ceiling Exceeded

**Description:**

Increases the rate of compensation and maximum allowable amounts per case for court-appointed counsel in criminal proceedings. Appropriates funds. Declares that the appropriation exceeds the state general fund expenditure ceiling for 2024-2025.

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

