

STAND. COM. REP. NO.

287

Honolulu, Hawaii

, 2025

FEB 10

RE: H.B. No. 396

H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 396 entitled:

"A BILL FOR AN ACT RELATING TO COMPENSATION FOR COURT-
APPOINTED COUNSEL,"

begs leave to report as follows:

The purpose of this measure is to increase the rate of compensation and maximum allowable amounts per case for court-appointed counsel in criminal proceedings.

Your Committee received testimony in support of this measure from the Judiciary; Office of the Public Defender; Department of the Prosecuting Attorney of the City and County of Honolulu; Office of the Prosecuting Attorney of the County of Kaua'i; Hawaii State Bar Association; and numerous individuals.

Your Committee finds that most indigent criminal defendants have a right to representation by competent counsel appointed by the court. Usually, these defendants are represented by the Office of the Public Defender. However, in the event of a conflict, the defendant has a right to the appointment of private defense counsel.

Your Committee further finds that the existing rate of pay has not been adjusted in almost twenty years. This measure will

2025-1280 HB396 HD1 HSCR HMSO



adjust the rate of compensation to attract competent individuals to serve as appointed counsel for these defendants.

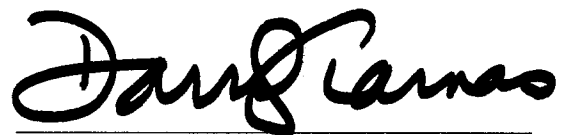
Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Your Committee respectfully requests your Committee on Finance, should it deliberate on this measure, to consider an appropriation amount of \$2,890,000.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 396, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 396, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-third Legislature

HSCR 287

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: HB 396 | Committee Referral: JHA, FIN | Date: 1/30/25 | | |
|---|---------------------------------|------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JHA Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. TARNAS, David A. (C) | ✓ | | | |
| 2. POEPOE, Mahina (VC) | ✓ | | | |
| 3. BELATTI, Della Au | ✓ | | | |
| 4. COCHRAN, Elle | | | | ✓ |
| 5. HASHEM, Mark J. | | | | ✓ |
| 6. KAHALOA, Kirstin | ✓ | | | |
| 7. PERRUSO, Amy A. | ✓ | | | |
| 8. TAKAYAMA, Gregg | ✓ | | | |
| 9. TODD, Chris | ✓ | | | |
| 10. GARCIA, Diamond | ✓ | | | |
| 11. SHIMIZU, Garner M. | ✓ | | | |
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| TOTAL (11) | 9 | 0 | 0 | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: _____ | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |