

Honolulu, Hawaii

FEB 04 2025

RE: S.B. No. 263
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 263 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase the rate of compensation and maximum allowable amounts per case for court-appointed counsel in criminal proceedings; and
- (2) Appropriate funds.

Your Committee received testimony in support of this measure from the Judiciary, Office of the Public Defender, Office of the Prosecuting Attorney of the County of Kaua'i, one member of the Kaua'i County Council, Hawaii State Bar Association, Hawai'i Association of Criminal Defense Lawyers, ACLU Hawai'i, Hawaii County Bar Association, Hawaii Coalition for Child Protective Reform, and six individuals.

Your Committee finds that indigent criminal defendants have a right to representation by competent counsel appointed by the court, usually by the Office of the Public Defender. However, in cases where there is, or there arises, a conflict between the



defendant and the Office of the Public Defender, the defendant has a right to the appointment of a private defense counsel. This measure will attract competent individuals to serve as appointed counsel for qualified criminal defendants by ensuring that appointed counsel are adequately compensated for their work.

Your Committee has amended this measure by:

- (1) Changing the appropriation to an unspecified amount; and
- (2) Inserting an effective date of April 23, 2057, to encourage further discussion.

Your Committee notes that this measure, as amended, contains an unspecified appropriation amount. Should your Committee on Ways and Means choose to deliberate on this measure, your Committee respectfully requests that it consider inserting an appropriation amount of \$2,890,000 to increase the rate of compensation and maximum allowable amounts per case for court-appointed counsel in criminal proceedings.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 263, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 263, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 263</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">JDC, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">01/28/25</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
TOTAL	4	0	1	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 100px;">Karl Rhoads</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

***Only one measure per Record of Votes**