
A BILL FOR AN ACT

RELATING TO LEGAL REPRESENTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 334-126, Hawaii Revised Statutes, is
2 amended by amending subsection (f) to read as follows:

3 "(f) The court may appoint an attorney for the subject of
4 the petition if the court determines that the interests of
5 justice require one be appointed. If the subject of the
6 petition is represented by [~~their own~~] an attorney, whether
7 retained by the subject or appointed by the court, the attorney
8 shall be allowed adequate time for investigation of the matters
9 at issue and for preparation, and shall be permitted to present
10 the evidence that the attorney believes necessary for a proper
11 disposition of the proceeding."

12 SECTION 2. Section 802-1, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

14 "(a) Any indigent person who is:

15 (1) Arrested for, charged with, or convicted of an offense
16 or offenses punishable by confinement in jail or
17 prison or for which the person may be or is subject to
18 the provisions of chapter 571;



1 (2) Threatened by confinement, against the indigent
2 person's will, in any psychiatric or other mental
3 institution or facility; or
4 ~~[(3) The subject of a petition for assisted community~~
5 ~~treatment under chapter 334; or~~
6 ~~(4)]~~ (3) The subject of a petition for involuntary medical
7 treatment under chapter 353,
8 shall be entitled to be represented by a public defender. If,
9 however, conflicting interests exist, or if the public defender
10 for any other reason is unable to act, or if the interests of
11 justice require, the court may appoint other counsel."

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Public Defender; Assisted Community Treatment; Legal Representation

Description:

Allows a court to appoint an attorney for the subject of a petition for assisted community treatment if the interests of justice require one be appointed. Repeals language that entitles the subject of a petition for assisted community treatment to legal representation by a public defender. (CD1)

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

