STAND. COM. REP. NO. 2127

Honolulu, Hawaii

FEB 0 5 2024

RE: S.B. No. 2377

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2377 entitled:

"A BILL FOR AN ACT RELATING TO COMPENSATION FOR COURTAPPOINTED COUNSEL,"

begs leave to report as follows:

The purpose and intent 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, ACLU of Hawai'i, Hawaii State Bar Association, Hawai'i Association of Criminal Defense Lawyers, and nineteen 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 notes that over the last decade there has been a dramatic decrease in qualified applicants to the court-appointed

lists of each circuit, which has in turn caused a shortage of available counsel to take indigent defendant criminal cases statewide.

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. 2377 and recommends that it pass Second Reading 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-Second Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:	
SB 2377	JDC, WAM		01/30/24		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)		V			
GABBARD, Mike (VC)					
ELEFANTE, Brandon J.C.		V/			
SAN BUENAVENTURA, Joy A.		V			
AWA, Brenton				✓	
					
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TOTAL		4		l	
Recommendation: Adopted Not Adopted					
Chair's or Designed's Signature Mile Half					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Only one measure per Record of Votes