

STAND. COM. REP. NO. 1139

Honolulu, Hawaii

**MAR 19 2025**

RE: H.B. No. 396  
H.D. 1  
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 H.B. No. 396, H.D. 1, 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 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, Hawaii State Bar Association, West Hawaii Bar Association, and ten individuals.

Your Committee received comments on this measure from the Department of Budget and Finance.

Your Committee finds 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 qualified and competent counsel to take indigent defendant criminal cases statewide. Your Committee further finds that the primary factor driving this reduction is the low hourly rate of pay offered for these cases. In order to attract skilled and experienced individuals to serve as appointed counsel for



these defendants, your Committee believes that the State must ensure that appointed counsel are adequately compensated for their work. This measure will aid in recruiting and retaining counsel who are qualified, experienced, and willing to be appointed in criminal proceedings.

Your Committee has amended this measure by inserting an effective date of April 23, 2057, to encourage further discussion.

Your Committee notes that this measure 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 H.B. No. 396, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 396, H.D. 1, 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,



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KARL RHOADS, Chair



The Senate  
Thirty-Third Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 396, HD1	JDC, WAM	3/13/25		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
CHANG, Stanley	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton			✓	
<b>TOTAL</b>	4	—	1	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes