

**A Bill for an Act Relating to Counsel and Other Services for Indigent Defendants in Criminal and Related Cases.**

***Be It Enacted by the Legislature of the State of Hawaii:***

**SECTION 1.** Section 802-5, Hawaii Revised Statutes, is amended to read as follows:

“§802-5 Appointment of counsel; compensation. (a) When it shall appear to a judge that a person requesting the appointment of counsel satisfies the requirements of this chapter, the judge shall appoint counsel to represent him at all stages of the proceedings including appeal, if any. If conflicting interests exist, or if the interests of justice require, the court may appoint private counsel, who shall receive reasonable compensation for necessary expenses, including travel, the amount of which shall be determined by the court, and fees pursuant to subsection (b). All such expenses shall be certified by the court. Duly certified claims for payment shall be paid upon vouchers approved by the director of finance and warrants drawn by the comptroller.

(b) The court shall determine the amount of reasonable compensation to appointed counsel, based on the rate of \$30 an hour for out-of-court services, and \$40 an hour for in-court services and with a maximum fee in accordance with the following schedule:

(1) Class A felony case	\$2,000
(2) Any other felony case	1,500
(3) Misdemeanor case - jury trial	1,000
(4) Misdemeanor case - jury waived	500
(5) Appeals to the supreme court or intermediate appellate court	1,500
(6) Petty misdemeanor case	300
(7) Post conviction proceeding	1,500
(8) Any other type of administrative or judicial proceeding including cases arising under chapter 571	1,000

Payment in excess of any maximum provided for under paragraphs (1), (2), and (5), where extended or complex representation is needed, may be made for good cause shown on the record by the appointing judge, but shall not exceed an amount twice the maximum allowable fees for such representation.

(c) The public defender and the judiciary shall submit to the department of budget and finance for inclusion in the department’s budget request for each fiscal biennium the amount required for each fiscal year for the payment of fees and expenses pursuant to subsection (a).”

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$400,000, or so much thereof as may be necessary for fiscal year 1981-1982 and \$400,000, or so much thereof as may be necessary for fiscal year 1982-1983 to be expended by the department of budget and finance (BUF 101) for the purposes of this Act.

SECTION 3. Chapter 611, Hawaii Revised Statutes, is repealed.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 5. This Act shall take effect on July 1, 1981.

(Approved June 29, 1981.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.