

ACT 227

S.B. NO. 1443

A Bill for an Act Relating to the Appointment of Counsel for Indigents.

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

SECTION 1. Section 802-5, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) The court shall determine the amount of reasonable compensation to appointed counsel, based on the rate of [\$30] \$40 an hour for out-of-court services, and [\$40] \$60 an hour for in-court services and with a maximum fee in accordance with the following schedule:

(1)	[Class A] Any felony case	[\$2,000]	<u>\$3,000</u>
[(2)]	Any other felony case	1,500	
(3) [(2)]	Misdemeanor case - jury trial	[1,000]	<u>1,500</u>
[(4)] [(3)]	Misdemeanor case - jury waived	[500]	<u>750</u>
[(5)] [(4)]	Appeals to the supreme court or intermediate appellate court		
		[1,500]	<u>2,500</u>
[(6)] [(5)]	Petty misdemeanor case	[300]	<u>450</u>
[(7)]	Post conviction proceeding	1,500	
(8) [(6)]	Any other type of administrative or judicial proceeding including cases arising under chapter 571	[1,000]	<u>1,500</u>

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.] (1) to (6) may be made whenever the court in which the representation was rendered certifies that the amount of the excess payment is necessary to provide fair compensation and the payment is approved by the administrative judge of such court."

SECTION 2. There is appropriated out of the general revenues of the State of Hawaii the sum of \$879,263, or so much thereof as may be necessary for fiscal year 1987-1988, and \$728,709, or so much thereof as may be necessary for fiscal year 1988-1989, to carry out the purpose of this Act. The sums appropriated shall be expended by the department of budget and finance for the purpose of this Act.

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SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect July 1, 1987.

(Approved June 23, 1987.)