

ACT 133

S.B. NO. 1317

A Bill for an Act Relating to Court Appointed Counsel.

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

SECTION 1. Act 86, Session Laws of Hawaii 2005, is amended by amending section 1 to read as follows:

“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 the person 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 reasonable fees pursuant to subsection (b). All expenses and fees shall be ordered by the court. Duly ordered payment shall be made 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 \$90 an hour; provided that the maximum allowable fee shall not exceed the following schedule:

(1) Any felony case	\$6,000
(2) Misdemeanor case - jury trial	3,000
(3) Misdemeanor case - jury waived	1,500
(4) Appeals [to the intermediate appellate court]	5,000
(5) Petty misdemeanor case	900
(6) Any other type of administrative or judicial proceeding, including cases arising under section 571-11(1), 571-14(a)(1), or 571-14(a)(2).	3,000

Payment in excess of any maximum provided for under paragraphs (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 that court.

(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 this section.””

SECTION 2. Statutory material to be repealed is bracketed and stricken.

SECTION 3. This Act shall take effect on July 1, 2006.

(Approved May 24, 2006.)