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# A BILL FOR AN ACT

RELATING TO THE PROBATION SERVICES FEE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 706-648, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) The court, when sentencing a defendant to  
4 probation[~~]~~ or granting deferral of a plea under section 853-1,  
5 shall order the defendant to pay a probation services fee. The  
6 amount of the fee shall be as follows:

7 (a) \$150, when the term of probation or period of deferral  
8 is for more than one year; or

9 (b) \$75, when the term of probation or period of deferral  
10 is for one year or less;

11 provided that no fee shall be ordered when the court determines  
12 that the defendant is unable to pay the fee."

13 SECTION 2. Section 853-1, Hawaii Revised Statutes, is  
14 amended by amending subsection (b) to read as follows:

15 "(b) The proceedings may be deferred upon any of the  
16 conditions specified by section 706-624. As a further  
17 condition, the court shall impose a compensation fee pursuant to  
18 section 351-62.6 and a probation services fee pursuant to



1 section 706-648 upon every defendant who has entered a plea of  
 2 guilty or nolo contendere to a petty misdemeanor, misdemeanor,  
 3 or felony; provided that the court shall waive the imposition of  
 4 a compensation or probation services fee, if it finds that the  
 5 defendant is unable to pay the compensation or probation  
 6 services fee. The court may defer the proceedings for a period  
 7 of time as the court shall direct but in no case to exceed the  
 8 maximum sentence allowable; provided that; if the defendant has  
 9 entered a plea of guilty or nolo contendere to a petty  
 10 misdemeanor, the court may defer the proceedings for a period  
 11 not to exceed one year. The defendant may be subject to bail or  
 12 recognizance at the court's discretion during the period during  
 13 which the proceedings are deferred."

14 SECTION 3. This Act shall not apply to any defendant  
 15 granted a deferred acceptance of guilty or no contest plea  
 16 before the effective date of this Act.

17 SECTION 4. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on January 7, 2059.



**Report Title:**

Probation Services Fee; Deferred Plea

**Description:**

Imposes a probation services fee on any defendant granted a deferred acceptance of guilty or no contest plea. Effective January 7, 2059. (HB297 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

