
A BILL FOR AN ACT

RELATING TO PUBLIC CORRUPTION.

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

1 SECTION 1. Chapter 710, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§710-A Bribery in the first degree. (1) A person
5 commits the offense of bribery in the first degree if:

6 (a) The person commits bribery and the person is a public
7 servant who is an elected or appointed official;

8 (b) The person commits bribery and the value, or aggregate
9 value, of the pecuniary benefit for the bribery
10 exceeds \$20,000; or

11 (c) The person commits bribery on three or more separate
12 occasions within a three-year period.

13 (2) For the purposes of this section, "bribery" has the
14 same meaning as defined in section 710-1040.

15 (3) Bribery in the first degree shall be a class A felony.



1 (4) A person convicted of violating this section shall not
2 be eligible for a deferred acceptance of guilty plea or nolo
3 contendere plea under chapter 853.

4 §710-B Bribery in the second degree. (1) A person
5 commits the offense of bribery in the second degree if the
6 person commits bribery other than as provided in section 710-A.

7 (2) For the purposes of this section, "bribery" has the
8 same meaning as defined in section 710-1040.

9 (3) Bribery in the second degree shall be a class B
10 felony.

11 (4) A person convicted of violating this section shall not
12 be eligible for a deferred acceptance of guilty plea or nolo
13 contendere plea under chapter 853."

14 SECTION 2. Section 710-1040, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§710-1040 Bribery[-]; defined.** (1) A person commits
17 [~~the offense of~~] bribery if:

18 (a) The person confers, or offers or agrees to confer,
19 directly or indirectly, any pecuniary benefit upon a
20 public servant with the intent to influence the public
21 servant's vote, opinion, judgment, exercise of



1 discretion, or other action in the public servant's
2 official capacity; or

3 (b) While a public servant, or after having been elected,
4 appointed, or designated to become a public servant
5 although not yet occupying that position, the person
6 solicits, accepts, or agrees to accept, directly or
7 indirectly, any pecuniary benefit with the intent that
8 the person's vote, opinion, judgment, exercise of
9 discretion, or other action as a public servant will
10 thereby be influenced.

11 (2) It [~~is~~] shall be a defense to a prosecution [~~under~~
12 ~~subsection (1)]~~ for bribery that the accused conferred or agreed
13 to confer the pecuniary benefit as a result of extortion or
14 coercion.

15 (3) For purposes of this section, "public servant"
16 [~~includes in addition to persons who occupy the position of~~
17 ~~public servant]~~ has the same meaning as defined in section
18 [~~710-1000~~], ~~persons who have been elected, appointed, or~~
19 ~~designated to become a public servant although not yet occupying~~
20 ~~that position.~~



1 ~~(4) Bribery is a class B felony. A person convicted of~~
2 ~~violating this section, notwithstanding any law to the contrary,~~
3 ~~shall not be eligible for a deferred acceptance of guilty plea~~
4 ~~or nolo contendere plea under chapter 853]."~~

5 SECTION 3. Section 806-83, Hawaii Revised Statutes, is
6 amended by amending subsection (b) to read as follows:

7 "(b) Criminal charges may be instituted by written
8 information for a felony when the charge is a class B felony,
9 except under:

- 10 (1) Section 707-720 (kidnapping);
- 11 (2) Section 707-731 (sexual assault in the second degree);
- 12 (3) Section 707-751 (promoting child abuse in the second
- 13 degree);
- 14 (4) Section 708-841 (robbery in the second degree);
- 15 (5) Section 709-904.5 (compensation by an adult of
- 16 juveniles for crimes; grade or class of offense
- 17 increased);
- 18 (6) Section 710-1031 (intimidating a correctional worker);
- 19 (7) Section ~~[710-1040]~~ 710-B (bribery~~[+]~~) in the second
- 20 degree);
- 21 (8) Section 710-1074 (intimidating a juror); and



1 (9) Section 712-1203 (promoting prostitution)."

2 SECTION 4. In codifying the new sections added by section
3 1 of this Act, the revisor of statutes shall substitute
4 appropriate section numbers for the letters used in designating
5 the new sections in this Act.

6 SECTION 5. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect on July 1, 3000.



Report Title:

Public Corruption; Bribery; Offenses; Penalties

Description:

Increases the penalties for bribery offenses under certain circumstances by establishing new offenses for bribery in the first and second degrees. Defines "bribery" for the purposes of these offenses. Effective 7/1/3000. (HD1)

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

