

JAN 25 2023

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. The legislature finds that elected officials
2 and department heads serve in positions of public trust that
3 require high ethical standards. Deterrence of bribery and
4 corruption should be a priority.

5 The legislature further finds that current state statutes
6 relating to bribery cap the fines for bribery at \$25,000, while
7 the federal cap is \$250,000.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Establish the offense of bribery of an elected
10 official or department head as a class B felony with a
11 maximum penalty of up to \$250,000;
- 12 (2) Require the commission on salaries to consider certain
13 factors to retain qualified individuals and deter
14 corruption and bribery; and
- 15 (3) Amend the effective dates of recommended salary
16 increases.



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

4 "§710- Bribery of an elected official or department
5 head. (1) A person commits the offense of bribery of an
6 elected official or department head if:

7 (a) The person confers, or offers or agrees to confer,
8 directly or indirectly, any pecuniary benefit upon an
9 elected official or department head with the intent to
10 influence the elected official or department head's
11 vote, opinion, judgment, exercise of discretion, or
12 other action in the elected official or department
13 head's official capacity; or

14 (b) While an elected official or department head, the
15 person solicits, accepts, or agrees to accept,
16 directly or indirectly, any pecuniary benefit with the
17 intent that the person's vote, opinion, judgment,
18 exercise of discretion, or other action as the elected
19 official or department head will thereby be
20 influenced.



1 (2) It is a defense to a prosecution under subsection (1)
2 that the accused conferred or agreed to confer the pecuniary
3 benefit as a result of extortion or coercion.

4 (3) Bribery of an elected official or department head is a
5 class B felony, with a maximum penalty of up to \$250,000. A
6 person convicted of violating this section, notwithstanding any
7 law to the contrary, shall not be eligible for a deferred
8 acceptance of guilty plea or nolo contendere plea under chapter
9 853.

10 (4) For the purposes of this section, "elected official"
11 has the same meaning as in section 11-342."

12 SECTION 3. Section 26-56, Hawaii Revised Statutes, is
13 amended as follows:

14 1. By amending subsection (b) to read:

15 "(b) The commission shall review and recommend an
16 appropriate salary for the governor, lieutenant governor,
17 members of the legislature, justices and judges of all state
18 courts, administrative director of the State or an equivalent
19 position, and department heads or executive officers and the
20 deputies or assistants to the department heads of the
21 departments of:



- 1 (1) Accounting and general services;
- 2 (2) Agriculture;
- 3 (3) The attorney general;
- 4 (4) Budget and finance;
- 5 (5) Business, economic development, and tourism;
- 6 (6) Commerce and consumer affairs;
- 7 (7) Defense;
- 8 (8) Hawaiian home lands;
- 9 (9) Health;
- 10 (10) Human resources development;
- 11 (11) Human services;
- 12 (12) Labor and industrial relations;
- 13 (13) Land and natural resources;
- 14 (14) Public safety;
- 15 (15) Taxation; and
- 16 (16) Transportation.

17 The commission shall not review the salary of any position
18 in the department of education or the University of Hawaii.

19 The commission may recommend different salaries for
20 department heads and executive officers and different salary
21 ranges for deputies or assistants to department heads; provided



1 that the commission shall recommend the same salary range for
2 deputies or assistants to department heads within the same
3 department; provided further that the appointing official shall
4 specify the salary for a particular position within the
5 applicable range.

6 In making its salary recommendation for each position, the
7 commission shall endeavor to attract and retain the best
8 qualified individuals to lead the State and shall consider
9 salaries that can compete with equivalent private sector
10 positions and can serve to deter corruption and bribery.

11 The commission shall not recommend salaries lower than
12 salary amounts recommended by prior commissions replaced by this
13 section."

14 2. By amending subsection (d) to read:

15 "(d) The commission shall convene in the month of November
16 2006, and every six years thereafter. [~~Not~~] No later than the
17 fortieth legislative day of the regular session of 2007, and
18 every six years thereafter, the commission shall submit a report
19 of its findings and its salary recommendations to the
20 legislature, through the governor. The commission may include
21 incremental increases that take effect [~~prior to~~] through



1 December 31 of the year of the first election following the
2 convening of the next salary commission.

3 The recommended salaries submitted by the commission shall
4 become effective [~~July 1 of the next fiscal year~~] on January 1
5 of the year following the first election after the convening of
6 the salary commission; unless the legislature disapproves the
7 recommended salaries submitted by the commission through the
8 adoption of a concurrent resolution, which shall be approved by
9 a simple majority of each house of the legislature, prior to
10 adjournment sine die of the legislative session in which the
11 recommended salaries are submitted; provided that any change in
12 salary which becomes effective shall not apply to the
13 legislature to which the recommendation for the change in salary
14 was submitted.

15 The governor shall include the salary amounts recommended
16 by the commission and approved by the legislature for employees
17 of the executive branch in the executive budget. If the salary
18 amounts recommended by the commission are disapproved by the
19 legislature, the commission shall reconvene in the November next
20 following the legislative disapproval to review the
21 legislature's reasons for disapproving its salary



1 recommendation. The commission may submit a report of its
 2 findings and submit a new salary recommendation to the
 3 legislature at the next regular session. The commission's
 4 reconvening following a legislative disapproval shall not toll
 5 the six-year cycle."

6 SECTION 4. 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 5. Statutory material to be repealed is bracketed
 10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect upon its approval;
 12 provided that the amendments made to subsection 26-56(b), Hawaii
 13 Revised Statutes, by section 3 of this Act shall not be repealed
 14 when that section is reenacted on January 1, 2024, pursuant to
 15 section 23 of Act 278, Session Laws of Hawaii 2022.

16

INTRODUCED BY: 



S.B. NO. 1240

Report Title:

Government; Elected Officials; State Department Heads; Bribery; Corruption; Position Retention; Salary Commission

Description:

Establishes the offense of bribery of an elected official or department head as a class B felony with a maximum penalty of up to \$250,000. Requires the Commission on Salaries to consider certain factors to retain qualified individuals and deter corruption and bribery. Amends the effective dates of recommended salary increases.

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

