

JAN 25 2023

A BILL FOR AN ACT

RELATING TO OFFICIAL MISCONDUCT.

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

1 SECTION 1. The purpose of this Act is to establish the
2 criminal offense of official misconduct.

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

6 "§710- Official misconduct; penalty. (1) A public
7 servant commits the offense of official misconduct when, in the
8 person's official capacity, the person commits any of the
9 following acts:

10 (a) With intent to obtain a benefit other than the
11 person's lawful compensation, intentionally or
12 knowingly performs an act using the power of that
13 person's office, knowing that the act constitutes an
14 unauthorized exercise of the person's official
15 functions;

16 (b) With intent to obtain a benefit other than the
17 person's lawful compensation, intentionally or

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1 knowingly refrains from performing an official duty;
 2 or
 3 (c) Intentionally or knowingly submits or invites reliance
 4 on any statement, document, or record, in written,
 5 printed, or electronic form, which the person knows to
 6 be falsely made, completed, or altered, or in which
 7 the person knows to contain a false statement or false
 8 information.

9 (2) As used in this section:
 10 "Official function" means the decision, opinion,
 11 recommendation, vote, or other exercise or performance of duty
 12 of a public servant.

13 (3) Official misconduct is a class C felony."

14 SECTION 3. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19

20 INTRODUCED BY: *W. M. M.*

21 BY REQUEST

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Report Title:

Penal Code; Official Misconduct; Offenses Against Public Administration

Description:

Adds a new section to chapter 710, Hawaii Revised Statutes, to establish the class C felony offense of official misconduct.

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

SB1284

JUSTIFICATION SHEET

DEPARTMENT: Attorney General.

TITLE: A BILL FOR AN ACT RELATING TO OFFICIAL MISCONDUCT.

PURPOSE: To establish the criminal offense of official misconduct.

MEANS: Add a new section to chapter 710, Hawaii Revised Statutes (HRS).

JUSTIFICATION: The strength and stability of our government rely on the public's trust in our public officials and employees to act with integrity and honesty. Since the recent arrests and convictions of public officials in the State, there is a loss of public trust in governmental institutions and their officers.

Now more than ever, it is of the utmost importance that our public corruption laws be strengthened against misconduct committed by government officials and employees to increase the public's confidence and trust in state and local government.

The existing bribery statute in the HRS prohibits conduct involving pecuniary interests only. Public corruption, however, can take many forms beyond mere economic gains. Therefore, the purpose of this bill, which establishes a class C felony offense, is to specifically prohibit a public servant in his or her official capacity from performing an unauthorized act or refraining from performing an official duty with the intent to obtain any benefit beyond lawful compensation. This bill also establishes a class C felony offense for the intentional or knowing submission of statements or documents containing false information by a public servant in the public servant's official capacity.

SB284

Impact on the public: This measure will have a positive impact on the public by strengthening our public corruption laws, thereby increasing public's trust and confidence in our state and local government.

Impact on the department and other agencies: This measure will have a positive impact for all government departments and agencies, as it clarifies what types of conduct are prohibited.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.