

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ETHICS.

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

SECTION 1. Section 84-31, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Charges concerning the violation of this chapter shall be in writing, signed by the person making the charge under oath, except that any charge initiated by the commission shall be signed by three or more members of the commission. The commission shall notify in writing every person against whom a charge is received and afford the person an opportunity to explain the conduct alleged to be in violation of the chapter. The commission may investigate, after compliance with this section, such charges and render an informal advisory opinion to the alleged violator. ~~[The commission shall investigate all charges on a confidential basis, having available all the powers herein provided, and proceedings at this stage shall not be public.]~~

The following procedures shall apply:



1 (1) If a charge concerning a violation of this chapter is
2 filed by a person other than the commission, the final
3 disposition of the charge, whether by order to
4 dismiss, issuance of an informal advisory opinion,
5 decision after a hearing, or final disposition by any
6 other means, shall be a matter of public record.

7 Notwithstanding the above, the person who filed the
8 charge shall be informed of the status of the charge
9 upon request;

10 (2) If the informal advisory opinion indicates a probable
11 violation, the person charged shall request a formal
12 opinion or within a reasonable time comply with the
13 informal advisory opinion[-]; and

14 (3) If the person charged fails to comply with ~~such~~ the
15 informal advisory opinion or if a majority of the
16 members of the commission determine that there is
17 probable cause for belief that a violation of this
18 chapter might have occurred, a copy of the charge and
19 a further statement of the alleged violation shall be
20 personally served upon the alleged violator. Service
21 shall be made by personal service upon the alleged



1 violator wherever found or by registered or certified
2 mail with request for a return receipt and marked
3 deliver to addressee only. If, after due diligence,
4 service cannot be effected successfully in accordance
5 with the above, service may be made by publication if
6 so ordered by the circuit court of the circuit wherein
7 the alleged violator last resided. The state ethics
8 commission shall submit to the circuit court for its
9 consideration in issuing its order to allow service by
10 publication an affidavit setting forth facts based
11 upon the personal knowledge of the affiant concerning
12 the methods, means, and attempts made to locate and
13 effect service by personal service or by registered or
14 certified mail in accordance with the above. Service
15 by publication when ordered by the court shall be made
16 by publication once a week for four successive weeks
17 of a notice in a newspaper of general circulation in
18 the circuit of the alleged violator's last known state
19 address. The alleged violator shall have twenty days
20 after service thereof to respond in writing to the
21 charge and statement."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:

[Handwritten signatures]
~~Don AC Smith~~
Will L. L. L.
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S.B. NO. 651

Report Title:

Ethics Code; Filing a Complaint; State Ethics Commission; Public Record

Description:

Amends the statutory procedures regarding ethics code violation charges, filed by a person other than the state ethics commission, by requiring the final disposition to be a matter of public record and the filer of the charge to be informed of the status of the charge, upon request.

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