STAND. COM. REP. NO. 1466

Honolulu, Hawaii
MAR 3 0 2021

RE: S.C.R. No. 150

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.C.R. No. 150 entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF THE ATTORNEY GENERAL TO PROPOSE LEGISLATION THAT CRIMINALIZES ANY ACTS BY ELIGIBLE PUBLIC OFFICIALS, INCLUDING LOCAL LAW ENFORCEMENT THAT VIOLATE THEIR OATHS TO UPHOLD THE UNITED STATES CONSTITUTION AND HAWAII STATE CONSTITUTION,"

begs leave to report as follows:

The purpose and intent of this measure is to request the Department of the Attorney General to propose legislation that criminalizes any acts by eligible public officials, including local law enforcement, that violate their oaths of office to the United States Constitution and Hawaii State Constitution.

Your Committee received testimony in support of this measure from four individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that article XVI, section 4, of the Hawaii State Constitution requires eligible public officials to take an oath to defend the Constitution of the United States and the Constitution of the State of Hawaii. Your Committee further finds that neither the Hawaii State Constitution nor the Hawaii Revised Statutes currently provide specific penalties for an eligible public official's violation of their oath to defend the

United States Constitution or Hawaii State Constitution, and that in light of the risk of harm that can arise when persons in positions of power abuse that power, criminal penalties for violations of that oath are appropriate.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 150 and recommends its adoption.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Date:		
SCR150)Ot		3/23/2021		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (W	R) Nay	Excused
RHOADS, Karl (C)		√			
KEOHOKALOLE, Jarrett (VC)			V		
ACASIO, Laura		√			
GABBARD, Mike		>			
KIM, Donna Mercado					
LEE, Chris		\rightarrow			
FEVELLA, Kurt					
			<u> </u>		
			ļ		
	····				
TOTAL		4	2	1	0
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Cop				1	

*Only one measure per Record of Votes