

STAND. COM. REP. NO. 1460

Honolulu, Hawaii

MAR 30 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



