

STAND. COM. REP. NO. 1467

Honolulu, Hawaii

MAR 30 2021

RE: S.R. No. 116

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.R.
No. 116 entitled:

"SENATE 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 two individuals. Your Committee received comments on this
measure from the Department of the Attorney General.

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.R. No. 116 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.:* SR 116	Committee Referral: JDC	Date: 3/23/2021
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)		✓		
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado		✓		
LEE, Chris	✓			
FEVELLA, Kurt			✓	
TOTAL	4	2	1	0

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes