
A BILL FOR AN ACT

RELATING TO PUBLIC CORRUPTION.

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

1 SECTION 1. The legislature finds that public servants are
2 in positions of public trust. Deterrence of bribery and
3 corruption should be a priority. The legislature further finds
4 that current state statutes relating to bribery cap the fines
5 for bribery at \$25,000, while the federal cap is \$250,000.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Specify that the offense of bribery carries a maximum
8 penalty of up to \$250,000, in addition to a sentence
9 of imprisonment or probation;
- 10 (2) Require the commission on salaries to consider certain
11 factors to retain qualified individuals and deter
12 corruption and bribery; and
- 13 (3) Amend the effective dates of recommended salary
14 increases.

15 SECTION 2. Section 710-1040, Hawaii Revised Statutes, is
16 amended to read as follows:



1 "§710-1040 Bribery. (1) A person commits the offense of
2 bribery if:

3 (a) The person confers, or offers or agrees to confer,
4 directly or indirectly, any pecuniary benefit upon a
5 public servant with the intent to influence the public
6 servant's vote, opinion, judgment, exercise of
7 discretion, or other action in the public servant's
8 official capacity; or

9 (b) While a public servant, the person solicits, accepts,
10 or agrees to accept, directly or indirectly, any
11 pecuniary benefit with the intent that the person's
12 vote, opinion, judgment, exercise of discretion, or
13 other action as a public servant will thereby be
14 influenced.

15 (2) It [~~is~~] shall be a defense to a prosecution under
16 subsection (1) that the accused conferred or agreed to confer
17 the pecuniary benefit as a result of extortion or coercion.

18 (3) For purposes of this section, "public servant"
19 includes, in addition to persons who occupy the position of
20 public servant as defined in section [†] 710-1000 [†], persons who



1 have been elected, appointed, or designated to become a public
2 servant although not yet occupying that position.

3 (4) Bribery is a class B felony. Notwithstanding any law
4 to the contrary, a person convicted of violating this section
5 shall be sentenced to pay a fine of up to \$250,000, in addition
6 to a sentence of imprisonment or probation. A person [~~convicted~~
7 ~~of violating this section, notwithstanding any law to the~~
8 ~~contrary,~~] charged under this section shall not be eligible for
9 a deferred acceptance of guilty plea or nolo contendere plea
10 under chapter 853."

11 SECTION 3. Section 26-56, Hawaii Revised Statutes, is
12 amended as follows:

13 1. By amending subsection (b) to read:

14 "(b) The commission shall review and recommend an
15 appropriate salary for the governor, lieutenant governor,
16 members of the legislature, justices and judges of all state
17 courts, administrative director of the State or an equivalent
18 position, and department heads or executive officers and the
19 deputies or assistants to the department heads of the
20 departments of:

21 (1) Accounting and general services;



- 1 (2) Agriculture;
- 2 (3) The attorney general;
- 3 (4) Budget and finance;
- 4 (5) Business, economic development, and tourism;
- 5 (6) Commerce and consumer affairs;
- 6 (7) Defense;
- 7 (8) Hawaiian home lands;
- 8 (9) Health;
- 9 (10) Human resources development;
- 10 (11) Human services;
- 11 (12) Labor and industrial relations;
- 12 (13) Land and natural resources;
- 13 (14) Public safety;
- 14 (15) Taxation; and
- 15 (16) Transportation.

16 The commission shall not review the salary of any position
17 in the department of education or the University of Hawaii.

18 The commission may recommend different salaries for
19 department heads and executive officers and different salary
20 ranges for deputies or assistants to department heads; provided
21 that the commission shall recommend the same salary range for



1 deputies or assistants to department heads within the same
2 department; provided further that the appointing official shall
3 specify the salary for a particular position within the
4 applicable range.

5 In making its salary recommendation for each position, the
6 commission shall endeavor to attract and retain the best
7 qualified individuals to lead the State and shall consider
8 salaries that can compete with equivalent private sector
9 positions and can serve to deter corruption and bribery.

10 The commission shall not recommend salaries lower than
11 salary amounts recommended by prior commissions replaced by this
12 section."

13 2. By amending subsection (d) to read:

14 "(d) The commission shall convene in the month of November
15 2006, and every six years thereafter. [~~Not~~] No later than the
16 fortieth legislative day of the regular session of 2007, and
17 every six years thereafter, the commission shall submit a report
18 of its findings and its salary recommendations to the
19 legislature, through the governor. The commission may include
20 incremental increases that take effect [~~prior to~~] through



1 December 31 of the year of the first election following the
2 convening of the next salary commission.

3 The recommended salaries submitted by the commission shall
4 become effective [~~July 1 of the next fiscal year~~] on January 1
5 of the year following the first election after the convening of
6 the salary commission; unless the legislature disapproves the
7 recommended salaries submitted by the commission through the
8 adoption of a concurrent resolution, which shall be approved by
9 a simple majority of each house of the legislature, prior to
10 adjournment sine die of the legislative session in which the
11 recommended salaries are submitted; provided that any change in
12 salary [~~which~~] that becomes effective shall not apply to the
13 legislature to which the recommendation for the change in salary
14 was submitted.

15 The governor shall include the salary amounts recommended
16 by the commission and approved by the legislature for employees
17 of the executive branch in the executive budget. If the salary
18 amounts recommended by the commission are disapproved by the
19 legislature, the commission shall reconvene in the November next
20 following the legislative disapproval to review the
21 legislature's reasons for disapproving its salary



1 recommendation. The commission may submit a report of its
2 findings and submit a new salary recommendation to the
3 legislature at the next regular session. The commission's
4 reconvening following a legislative disapproval shall not toll
5 the six-year cycle."

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 6. This Act shall take effect on June 30, 3000.



Report Title:

Honolulu Prosecuting Attorney Package; Public Corruption;
Bribery; Offenses; Penalties

Description:

Specifies that a person convicted of the offense of bribery shall be sentenced to pay a fine of up to \$250,000, in addition to a sentence of imprisonment or probation. Requires the Commission on Salaries to consider certain factors to retain qualified individuals and deter corruption and bribery. Amends the effective dates of recommended salary increases. Effective 6/30/3000. (SD1)

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