
A BILL FOR AN ACT

RELATING TO OFFICIAL MISCONDUCT.

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

1 SECTION 1. The purpose of this Act is to establish the
2 criminal offense of official misconduct.

3 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
4 amended by adding to part II a new section to be appropriately
5 designated and to read as follows:

6 "§710- Official misconduct; penalty. (1) A public
7 servant commits the offense of official misconduct when, in the
8 person's official capacity, the person:

9 (a) With intent to obtain a benefit other than the
10 person's lawful compensation, intentionally or
11 knowingly performs an act using the power of that
12 person's office, knowing that the act constitutes an
13 unauthorized exercise of the person's official
14 functions;

15 (b) With intent to obtain a benefit other than the
16 person's lawful compensation, intentionally or



1 knowingly refrains from performing an official duty
2 required by law; or

3 (c) Intentionally or knowingly submits or invites reliance
4 on any statement, document, or record, in written,
5 printed, or electronic form, which the person knows to
6 be falsely made, completed, or altered, or in which
7 the person knows to contain a false statement or false
8 information.

9 (2) As used in this section, "official function" means the
10 decision, opinion, recommendation, vote, or other exercise or
11 performance of duty of a public servant.

12 (3) Official misconduct is a class C felony.

13 (4) This section shall not apply to any statement made,
14 action taken, or inaction by a member of the legislature in the
15 exercise of the member's legislative functions pursuant to
16 article III, section 7, of the Hawaii State Constitution."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on June 30, 3000.

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Report Title:

Penal Code; Official Misconduct; Offenses Against Public Administration

Description:

Establishes the class C felony offense of official misconduct to prohibit a person, when in the person's official capacity, from acting or refraining from performing an official duty to obtain a benefit other than the person's lawful compensation or submitting or inviting reliance on any false statement, document, or record. Effective 6/30/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

