

STAND. COM. REP. NO. 1611

Honolulu, Hawaii

APR 04 2023

RE: H.B. No. 126
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 126, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC CORRUPTION,"

begs leave to report as follows:

The purpose and intent of this measure is to increase the penalties for bribery offenses under certain circumstances.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Campaign Spending Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, and three individuals.

Your Committee finds that public servants are in positions of public trust. Therefore, deterrence of bribery and corruption of public servants should be a high priority. This measure will increase the penalties for bribery offenses by public servants, which will provide law enforcement with tools to adequately deter and commensurately punish public corruption.

Your Committee has amended this measure by:

- (1) Adding legislative findings;



- (2) Deleting language that would have increased the penalty for bribery offenses to a class A penalty if:
 - (A) The public servant is an elected or appointed official;
 - (B) The value, or aggregate value, of the pecuniary benefit in the commission of the offense exceeds \$20,000; or
 - (C) The person commits three or more acts of bribery in a three-year period;
- (3) Adding language that specifies that a person convicted of violating section 710-1040, Hawaii Revised Statutes, shall be sentenced to pay a fine of up to \$250,000, in addition to a sentence of imprisonment or probation;
- (4) Specifying that a person charged for bribery under section 710-1040, Hawaii Revised Statutes, shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea;
- (5) Adding language that requires the Commission on Salaries to consider certain factors to retain qualified individuals and deter corruption and bribery;
- (6) Adding language that amends the effective dates of recommended salary increases; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 126, H.D. 1, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 126,
H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

Karl Rhoads

KARL RHOADS, Chair



