A BILL FOR AN ACT

RELATING TO PUBLIC CORRUPTION.

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

| Ţ | SECT | ION 1. Section 710-1040, Hawaii Revised Statutes, is | |
|----|--|---|--|
| 2 | amended b | y amending subsection (4) to read as follows: | |
| 3 | "(4) | Bribery is a class B felony[+]; provided that bribery | |
| 4 | is a class A felony if: | | |
| 5 | <u>(a)</u> | The public servant is an elected or appointed | |
| 6 | | <pre>official;</pre> | |
| 7 | <u>(b)</u> | The value, or aggregate value, of the pecuniary | |
| 8 | | benefit described in subsection (1)(a) or (1)(b) | |
| 9 | | exceeds \$20,000; or | |
| 10 | <u>(c)</u> | The person commits three or more acts of bribery as | |
| 11 | | described in subsection (1)(a) or (1)(b) in a | |
| 12 | | three-year period. | |
| 13 | (5) | A person convicted of violating this section, | |
| 14 | notwithst | anding any law to the contrary, shall not be eligible | |
| 15 | for a deferred acceptance of guilty plea or nolo contendere plea | | |
| 16 | under chapter 853." | | |

H.B. NO. 126

| 1 | SECT | ION 2. Section 710-1072.5, Hawaii Revised Statutes, is | |
|----|---|---|--|
| 2 | amended t | o read as follows: | |
| 3 | "§71 | 0-1072.5 Obstruction of justice. (1) A person | |
| 4 | commits t | he offense of obstruction of justice if the person | |
| 5 | intention | ally [engages in the following conduct]: | |
| 6 | <u>(a)</u> | When called as a witness and having been granted | |
| 7 | | immunity pursuant to chapters 480 and 621C, before or | |
| 8 | | after having been qualified as a witness, [shall | |
| 9 | | refuse] refuses to testify or be qualified as a | |
| 10 | | witness when duly directed to testify or be qualified | |
| 11 | | as a witness[-]; or | |
| 12 | <u>(b)</u> | Influences; obstructs; impedes; or endeavors to | |
| 13 | | influence, obstruct, or impede, the due administration | |
| 14 | | of justice by means of force, threat of force, | |
| 15 | | coercion, fraud, or deception. | |
| 16 | (2) | Obstruction of justice is a class [\in] $\underline{\mathtt{B}}$ felony. $\underline{\mathtt{A}}$ | |
| 17 | person co | nvicted of violating this section, notwithstanding any | |
| 18 | law to th | e contrary, shall not be eligible for a deferred | |
| 19 | acceptance of guilty plea or nolo contendere plea under | | |
| 20 | chapter 853." | | |

| 1 | SECTION 3. If any provision of this Act, or the |
|----|--|
| 2 | application thereof to any person or circumstance, is held |
| 3 | invalid, the invalidity does not affect other provisions or |
| 4 | applications of the Act that can be given effect without the |
| 5 | invalid provision or application, and to this end the provisions |
| 6 | of this Act are severable. |
| 7 | SECTION 4. Statutory material to be repealed is bracketed |
| 8 | and stricken. New statutory material is underscored. |
| 9 | SECTION 5. This Act shall take effect upon its approval. |
| 10 | |
| | INTRODUCED BY: |
| | By Request |
| | JAN 1 7 2023 |

H.B. NO. 126

Report Title:

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

Description:

Increases the penalties for bribery under certain circumstances. Amends the offense of obstruction of justice to include obstruction by force, threat of force, coercion, fraud, or deception.

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