

STAND. COM. REP. NO.

1229

Honolulu, Hawaii

MAR 22 2023

RE: H.B. No. 983

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 Labor and Technology, to which was referred H.B. No. 983 entitled:

"A BILL FOR AN ACT RELATING TO TIME LIMITATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to add the definitions of "public officer or employee" and "government" to section 701-108, Hawaii Revised Statutes, to clarify the scope and applicability of provisions relating to time limitations to bring prosecution based on misconduct in office.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that section 701-108(3)(b), Hawaii Revised Statutes, allows an extension of time to bring prosecution based on misconduct in office by public officers or employees. Your Committee recognizes that this statute is an important tool used by prosecutors to combat corruption as the misconduct by public officials often takes time to discover and investigate. According to oral testimony received by your Committee, although the terms "public officer or employee" and "government" do not seem ambiguous, these terms are currently the subject of litigation in other jurisdictions. Your Committee further finds that the definition of "public officer or employee" proposed in



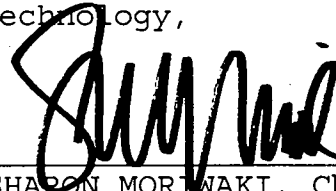
this measure is the same definition as "public servant" under section 710-1000, Hawaii Revised Statutes.

Accordingly, your Committee has amended this measure by:

- (1) Changing references of "public officer or employee" to "public servant";
- (2) Clarifying the definition of "public servant" to reference the definition of the same term in section 710-1000, Hawaii Revised Statutes;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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 Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 983, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 983, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor and
Technology,



SHARON MORIWAKI, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:* HB983	Committee Referral: LBT, JDC	Date: 3/15/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	✓			
LEE, Chris (VC)	✓			
IHARA, Jr., Les				✓
KEITH-AGARAN, Gilbert S.C.	✓			
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes