

STAND. COM. REP. NO.

813

Honolulu, Hawaii

MAR 02 , 2023

RE: H.B. No. 986
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 986 entitled:

"A BILL FOR AN ACT RELATING TO OFFICIAL MISCONDUCT,"

begs leave to report as follows:

The purpose of this measure is to establish 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.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Campaign Spending Commission, and one individual.

Your Committee finds that public corruption can take many forms beyond mere economic gain, including illegal lobbying, bribery, sexual favors, favorable school placements, and other actions that violate the public trust for personal gain. This measure will provide a mechanism to increase the public's trust and confidence in state and local government while providing law enforcement with a tool to adequately deter and punish public corruption.

2023-1893 HB986 HD1 HSCR HMSO



Your Committee has amended this measure by:

- (1) Clarifying that the prohibition:
 - (A) Applies when the person is refraining from performing an official duty that is required by law; and
 - (B) Does not apply to any statement made, action taken, or inaction by a member of the Legislature in the exercise of the member's legislative functions pursuant to article III, section 7, of the Hawaii State Constitution;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 986, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 986, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



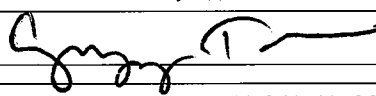
DAVID A. TARNAS, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

HSCR813

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 986	Committee Referral: JHA	Date: 2/17/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	/			
5. HASHIMOTO, Troy N.	/			
6. ICHIYAMA, Linda	/			
7. ILAGAN, Greggor	/			
8. KONG, Sam Satoru				/
9. MIZUNO, John M.	/			
10. SOUZA, Kanani	/			
TOTAL (10)	9	-	-	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 10pt;">committee acronym(s)</div>				
Vice Chair's or designee's signature: _____ <div style="text-align: center; font-size: 18pt; font-family: cursive;">  </div>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				