



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 983, RELATING TO TIME LIMITATIONS.

BEFORE THE:

SENATE COMMITTEE ON LABOR AND TECHNOLOGY

DATE: Wednesday, March 15, 2023 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Cheuk Fu Lui, Deputy Attorney General

Chair Moriwaki and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

The bill adds definitions of "public officer or employee" and "government" in section 701-108, Hawaii Revised Statutes (HRS), to clarify the scope and applicability of the provision that extends the time limitations to bring prosecutions based on misconduct in office.

Section 701-108(3)(b), HRS, allows for an extension of the time limitations to bring prosecutions based on misconduct in office by a public officer or employee, because misconduct by public officials often takes substantial time to discover and competently investigate. However, the statute does not currently define "public officer or employee" and the commentary to section 701-108(3), HRS, only refers to "when the defendant is in public office."

While the term "public officer or employee" is seemingly unambiguous, its meaning has been a subject of litigation in other jurisdictions. Therefore, clarifying and defining who is included as a "public officer or employee" in section 701-108(3)(b), HRS, and including and defining "government" in that definition, is essential to avoid differing interpretations, and more importantly, to ensure the proper and wide applicability of this statutory provision.

This measure will increase the public's trust and confidence in our state and local government while providing law enforcement with the necessary time to adequately investigate and prosecute public corruption.

Thank you for the opportunity to provide support for this bill.