

STAND. COM. REP. NO.

76

Honolulu, Hawaii

FEB 06 , 2023

RE: H.B. No. 126  
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. 126 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Enhance the penalty for bribery offenses:
  - (A) Committed by elected or appointed public servants;
  - (B) Involving a pecuniary benefit valued at over \$20,000; or
  - (C) Committed by repeat offenders; and
- (2) Amend the offense of obstruction of justice to:
  - (A) Include obstruction by force, threat of force, coercion, fraud, or deception;
  - (B) Make it a class B felony; and
  - (C) Prohibit eligibility for deferred acceptance of guilty plea or nolo contendere plea.

2023-1100 HB126 HD1 HSCR HMSO



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 County of Maui, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, and two individuals.

Your Committee finds that enhanced penalties for bribery offenses will deter public corruption and ensure that offenders are held accountable for their actions. Your Committee further finds that the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu recommended amending this measure to delete the amendments to the offense of obstruction of justice to avoid potential legal challenges regarding the measure's title.

Accordingly, your Committee has amended this measure by:

- (1) Deleting the amendments to the offense of obstruction of justice;
- (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. 126, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 126, H.D. 1, and be referred to your Committee on Finance.



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

*David Tarnas*

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DAVID A. TARNAS, Chair



