

STAND. COM. REP. NO.

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.

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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:

- 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 A. TARNAS, Chair



State of Hawaii House of Representatives The Thirty-second Legislature

HSLR76

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 12.6	Committee		FIN	Date: 1/31/2	3
The committee is reconsidering its previous decision on the measure.					
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold 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)		<u> </u>			
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)		10		~	
The recommendation is: Adopted Not Adopted If joint referral,					
Vice Chair's or designee's signature:					
Distribution: Original (White) – Co		plicate (Yellow) –	Chief Clerk's O	Office Duplicate (I	Pink) – HMSO