
A BILL FOR AN ACT

RELATING TO BRIBERY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 710-1040, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§710-1040 Bribery.** (1) A person commits the offense of
4 bribery if:

5 (a) The person confers, or offers or agrees to confer,
6 directly or indirectly, any pecuniary benefit upon a
7 public servant with the intent to influence the public
8 servant's vote, opinion, judgment, exercise of
9 discretion, or other action in the public servant's
10 official capacity; or

11 (b) While a public servant, the person solicits, accepts,
12 or agrees to accept, directly or indirectly, any
13 pecuniary benefit with the intent that the person's
14 vote, opinion, judgment, exercise of discretion, or
15 other action as a public servant will thereby be
16 influenced.



1 (2) It is a defense to a prosecution under subsection (1)
2 that the accused conferred or agreed to confer the pecuniary
3 benefit as a result of extortion or coercion.

4 (3) For purposes of this section, "public servant"
5 includes in addition to persons who occupy the position of
6 public servant as defined in section [‡]710-1000[‡], persons who
7 have been elected, appointed, or designated to become a public
8 servant although not yet occupying that position.

9 (4) Bribery is a class B felony. [~~A person convicted of~~
10 ~~violating this section, notwithstanding any law to the contrary,~~
11 ~~shall not be eligible for a deferred acceptance of guilty plea~~
12 ~~or nolo contendere plea under chapter 853.]~~

13 (5) Notwithstanding subsection (4), bribery is a class A
14 felony without the possibility of probation or suspension of
15 sentence if the public servant is an elected or appointed
16 official and:

17 (a) The value of the pecuniary benefit described in
18 subsections (1)(a) or (1)(b) exceeds \$50,000; or

19 (b) The person commits three or more acts of bribery as
20 described in subsections (1)(a) or (1)(b) in any



1 three-year period and the value, or aggregate value,
2 of the pecuniary benefit of the acts exceeds \$50,000.

3 (6) Notwithstanding any law to the contrary, a person
4 convicted under this section shall not be eligible for deferred
5 acceptance of guilty plea or nolo contendere plea under
6 chapter 853."

7 SECTION 2. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 3. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses;
Bribery

Description:

Establishes heightened penalties for the offense of bribery,
under certain circumstances. (SD1)

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