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## A BILL FOR AN ACT

RELATING TO PENALTIES.

**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:

16 (a) The public servant is an elected or appointed  
17 official;

18           (b) The value, or aggregate value, of the pecuniary  
19           benefit described in subsections (1) (a) or (1) (b)  
20           exceeds \$20,000; or



1       (c) The person commits three or more acts of bribery as  
2       described in subsections (1) (a) or (1) (b) in any  
3       three-year period.

4       (6) Notwithstanding any law to the contrary, a person  
5       convicted under this section shall not be eligible for deferred  
6       acceptance of guilty plea or nolo contendere plea under chapter  
7       853."

8           SECTION 2. Section 710-1010.2, Hawaii Revised Statutes, is  
9       amended to read as follows:

10       "**[+]§710-1010.2[+] Official misconduct.** (1) A public  
11       servant commits the offense of official misconduct when, in the  
12       person's official capacity, the person:

13           (a) With intent to obtain a benefit other than the  
14           person's lawful compensation, intentionally or  
15           knowingly performs an act using the power of that  
16           person's office, knowing that the act constitutes an  
17           unauthorized exercise of the person's official  
18           functions;

19           (b) With intent to obtain a benefit other than the  
20           person's lawful compensation, intentionally or  
21           knowingly refrains from performing an official duty



1 that is imposed upon the person by law or is clearly  
2 inherent in the nature of the person's office; or  
3 (c) Intentionally or knowingly submits or invites reliance  
4 on any statement, document, or record, in written,  
5 printed, or electronic form, that the person knows to  
6 be falsely made, completed, or altered, or in which  
7 the person knows to contain a false statement or false  
8 information.

**9** (2) As used in this section:

10        "An official duty that is imposed upon the person by law or  
11    is clearly inherent in the nature of the person's office" means  
12    one or more unspecified duties that are so essential to the  
13    accomplishment of the purposes for which the office was created  
14    that it is clearly inherent in the nature of the office.

15 "Official function" means the decision, opinion,  
16 recommendation, vote, or other exercise or performance of duty  
17 of a public servant.

18 (3) Official misconduct is a class [E] A felony. "

19 SECTION 3. This Act does not affect rights and duties that  
20 matured, penalties that were incurred, and proceedings that were  
21 begun before its effective date.

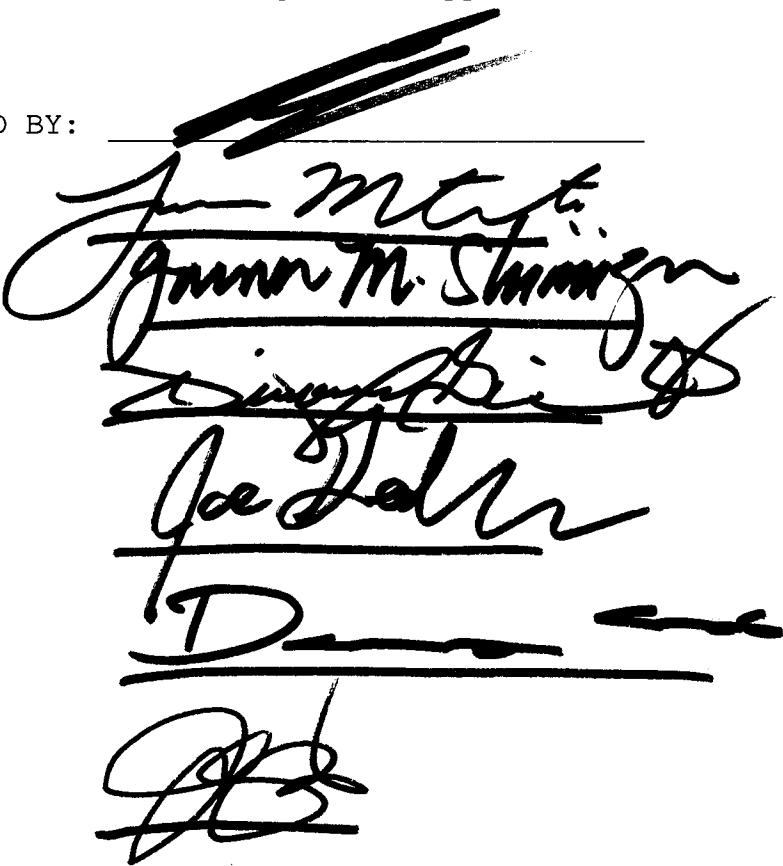


1 SECTION 4. If any provision of this Act, or the  
2 application thereof to any person or circumstance, is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of the Act that can be given effect without the  
5 invalid provision or application, and to this end the provisions  
6 of this Act are severable.

7 SECTION 5. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



H.B. NO. 1763



JAN 21 2026



# H.B. NO. 1763

**Report Title:**

Minority Caucus Package; Criminal Offenses; Bribery; Official Misconduct

**Description:**

Establishes heightened penalties for the offense of bribery under certain circumstances. Increases the penalty for official misconduct from a class C to a class A felony.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

