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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.



# H.B. NO. 1763

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

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 Statutory material to be repealed is bracketed and stricken.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

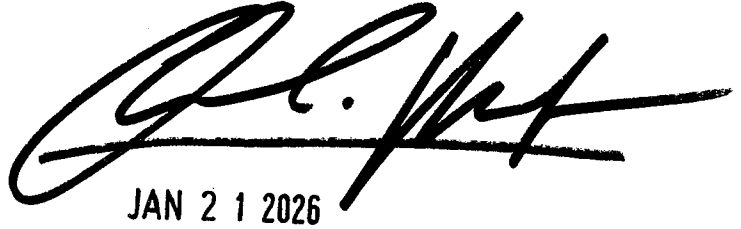
SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: \_\_\_\_\_

~~James M. Starnes~~  
James M. Starnes  
James M. Starnes  
Joe Doherty  
Dan  
Starnes



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A large, stylized handwritten signature in black ink, appearing to read "G.L. [unclear]", is written over a horizontal line.

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.*

