
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 the purposes of this section~~[, "public servant"]~~:
5 "Elected or appointed official" means any person whose
6 salary is determined by the commission on salaries pursuant to
7 article XVI, section 3.5, of the Hawaii State Constitution or
8 section 26-56.

9 "Public servant" includes in addition to persons who occupy
10 the position of public servant as defined in section
11 ~~[+]710-1000[+]~~, persons who have been elected, appointed, or
12 designated to become a public servant although not yet occupying
13 that position.

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

18 (5) Notwithstanding subsection (4), bribery is a class A
19 felony without the possibility of probation or suspension of
20 sentence if:



1 (a) The public servant is an elected or appointed
2 official; or

3 (b) The value, or aggregate value, of the pecuniary
4 benefit offered, conferred, or agreed to be conferred
5 pursuant to a single scheme or course of conduct
6 within a three-year period exceeds \$50,000.

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

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun, before the effective date of this Act.

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

20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect on March 22, 2075.

2



S.B. NO. 2249
S.D. 1

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offense; Bribery

Description:

Establishes heightened penalties for the offense of bribery under certain circumstances. Effective 3/22/2075. (SD1)

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