
A BILL FOR AN ACT

RELATING TO CORRUPTION.

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

1 SECTION 1. The legislature finds that when an individual
2 is charged under both federal and state law, the federal
3 investigation and prosecution of that individual takes
4 precedence over those of the State. In the event that the
5 length or outcome of a federal investigation precludes the
6 statute of limitations for the prosecution of a crime under
7 state law, the indicted may avoid prosecution in the State,
8 resulting in a miscarriage of justice. Bribery, for example, is
9 a class B felony, and generally, state law provides for a
10 statute of limitations of three years for class B felonies.

11 Accordingly, the purpose of this Act is to establish a
12 statute of limitations of nine years for a bribery offense.

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

15 "**§710-1040 Bribery.** (1) A person commits the offense of
16 bribery if:



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

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

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

16 (3) For the purposes of this section, "public servant"
17 includes in addition to persons who occupy the position of
18 public servant as defined in section [+]710-1000[+], persons who
19 have been elected, appointed, or designated to become a public
20 servant although not yet occupying that position.



1 (4) Bribery is a class B felony. A person convicted of
2 violating this section, notwithstanding any law to the contrary,
3 shall not be eligible for a deferred acceptance of guilty plea
4 or nolo contendere plea under chapter 853.

5 (5) Notwithstanding section 701-108 and any law to the
6 contrary, prosecution for an offense under subsection (1) shall
7 be commenced within nine years from the date the offense is
8 committed."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Bribery; Statute of Limitations

Description:

Establishes a statute of limitations of nine years for a bribery offense. (CD1)

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

