
A BILL FOR AN ACT

RELATING TO BRIBERY.

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

1 SECTION 1. The legislature finds that bribery and related
2 acts of public corruption fundamentally undermine the integrity
3 of government, distort the fair and impartial exercise of
4 official duties, and erode public confidence in democratic
5 institutions.

6 The legislature further finds that existing law prohibits
7 the offering, solicitation, and acceptance of bribes, including
8 the bribery of public servants. However, existing law does not
9 impose an affirmative duty on public servants to report
10 incidents of bribery, allowing corruption to persist through
11 silence and concealment.

12 The legislature additionally finds that numerous states
13 across the county have implemented statutes establishing an
14 affirmative reporting duty for public servants. These statutes
15 reflect a national standard: public service entails not only a
16 prohibition on accepting or soliciting bribes but also an
17 affirmative obligation to report known or reasonably suspected



1 corruption in a timely manner. Similarly to other professions
 2 that require mandatory reporting, such as teachers reporting
 3 when a student is suspected of being abused or neglected, public
 4 servants should be mandated to report incidents of suspected
 5 bribery, whether they are targets, bystanders, or witnesses. At
 6 its worst, failing to report bribery may be seen as aiding and
 7 abetting.

8 Accordingly, the purpose of this Act is to establish the
 9 offense of failure to report bribery as a misdemeanor.

10 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
 11 amended by adding a new section to part IV to be appropriately
 12 designated and to read as follows:

13 "§710- Failure to report bribery; public servants. (1)

14 A public servant commits the offense of failure to report
 15 bribery when the public servant:

16 (a) Knows or has knowledge that:

17 (i) A person has conferred, offered, or agreed to
 18 confer, directly or indirectly, any pecuniary
 19 benefit upon the public servant pursuant to
 20 section 710-1040 (1)(a); or



1 (ii) Another public servant solicited, accepted, or
2 agreed to accept, directly or indirectly, any
3 pecuniary benefit pursuant to section 710-1040
4 (1) (b); and

5 (b) Does not report the offense to the department of the
6 attorney general or a county prosecutor's office
7 within thirty days of becoming aware, with reasonable
8 certainty, that an offense occurred.

9 (2) Failure to report bribery is a misdemeanor.

10 (3) For the purposes of this section, "public servant"
11 includes an officer or employee of any branch of government that
12 has been elected or appointed but is not yet occupying the
13 position."

14 SECTION 3. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 4. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on July 1, 2050.



S.B. NO. 2824
S.D. 1

Report Title:

Failure to Report Bribery; Public Servants; Misdemeanor

Description:

Establishes the offense of failure to report bribery as a misdemeanor. Effective 7/1/2050. (SD1)

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