

**DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i**

February 23, 2026

RE: S.B. 2249; RELATING TO BRIBERY.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in support of S.B. 2249. This bill is part of the Department's 2026 legislative package, and we thank you for hearing it.

S.B. 2249 increases the grade of offense for bribery from a Class B felony to a Class A felony when any one of three aggravating circumstances is present:

- The offender was an elected or appointed official;
- The aggregated value involved exceeded \$20,000; or
- The offense was comprised of three or more occurrences within a three-year period.

Federal prosecutors have historically taken the lead in prosecuting state and county officials involved in bribery. This is largely because federal laws have been more effective in use and consequence. Stronger state-law penalties would better equip county prosecutors with the tools to prosecute public corruption—or better yet, deter offenders from bribery in the first place.

State and county prosecutions for public corruption may become increasingly necessary as a result of the Supreme Court decision in *Snyder v. United States*.¹ In that case, the Court examined Section 666,² the federal anti-bribery statute applying to state and local officials. While federal officials may not seek or accept anything of value for any official act,³ state and local officials are permitted to accept gratuities, tokens of appreciation after an official act.⁴

¹ 603 U.S. 1 (2024).

² 18 U.S.C. § 666.

³ 18 U.S.C. § 201(c)(1)(B).

⁴ *Snyder* at 10-16.

Hawai‘i law does not permit public officials to structure bribes as gratuities.⁵ But nor does it treat all gifts to officials as evidence of corruption. What matters instead is the intent to influence official action by gift, favor, or contribution.⁶

The challenge in state and local bribery prosecutions remains the penalties. While a Class B felony carries a maximum sentence of ten years,⁷ most offenses are probationable.⁸ Under S.B. 2249, specific heightened offenses would not be eligible for probation or suspension of sentence. Imprisonment appropriately reflects both the serious breach of public trust and the scale of criminality. It also creates a meaningful deterrent. In the federal system, nearly all offenders receive prison sentences.⁹ By contrast, because these offenders typically have no prior criminal record, they can expect probation in state court even if convicted.

The Department believes the vast majority of Hawaii’s state and county workers are dedicated public servants who work diligently and honorably every day. Their hard work and good reputation should not be marred by the few who would selfishly abuse the public’s trust for personal profit. Given the numerous recent scandals that have shaken our community’s trust in state and county government, the Department urges this Committee to send a strong message to would-be offenders, that this behavior will no longer be tolerated.

The Department strongly urges this Committee to pass S.B. 2249.

Thank you for the opportunity to testify.

⁵ See *State v. Chong*, 3 Haw. App. 24, 247-48, 254, 648 P.2d 1112, 1114-15, 1118 (1982). Cf. *Territory v. Lau Hoon*, 23 Haw. 616, 619 (Terr. 1917) (conviction for offering bribe does not require acceptance).

⁶ *Pedrina v. Chun*, 906 F.Supp. 1377, 1422 (D. Haw. 1995).

⁷ HRS § 706-660(1)(a).

⁸ HRS § 706-623(1)(b) (four years of probation for most Class B felonies).

⁹ See THE PEW CHARITABLE TRUSTS, *More Prison, Less Probation for Federal Offenders: Policy Changes Have Favored Incarceration over Community Supervision*, (Jan 2016) (“Nine in 10 federal offenders received prison sentences in 2014, up from less than half in 1980, as the use of probation declined steadily”). Available online at: https://www.pewtrusts.org/-/media/assets/2016/01/pspp_fs_moreprisonlessprobation_v1.pdf.

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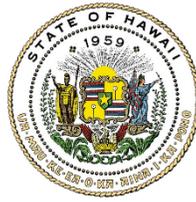
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February 23, 2026

SB 2249: RELATING TO BRIBERY

Chair Rhoads, Vice Chair Gabbard and Members of the Committee on Judiciary:

The Office of the Public Defender (OPD) **opposes SB 2249**. This measure seeks significantly enhance penalties for the offense of bribery. As reflected in the bill, bribery, currently a class B felony, would be elevated to a class A felony without the possibility of probation or suspension of sentence under specified circumstances, including when the public servant is an elected or appointed official, when the pecuniary benefit exceeds \$20,000 in aggregate value, or when three or more acts occur within a three-year period

While OPD fully acknowledges that public corruption is a serious offense and that integrity in public service is fundamental to maintaining public trust, we are concerned that this measure imposes sweeping, mandatory enhancements that undermine judicial discretion and risk disproportionate sentencing outcomes.

Elimination of Judicial Discretion

Under the proposed subsection (5), certain bribery convictions would automatically become class A felonies “without the possibility of probation or suspension of sentence.” Class A felony convictions in Hawai‘i carry the most severe sentencing exposure short of murder. Removing the ability of a court to impose probation or suspend a sentence eliminates individualized consideration of the defendant, the facts of the offense, and the broader purposes of sentencing set forth in HRS § 706-606.

Hawai‘i’s sentencing structure is intentionally designed to give trial courts the ability to tailor sentences based on:

- The nature and circumstances of the offense;
- The history and characteristics of the defendant;
- The need to provide restitution to victims;
- The need for deterrence, rehabilitation, and public protection.

This bill substitutes a rigid mandatory framework for judicial evaluation. Such categorical enhancements are inconsistent with Hawai‘i’s long-standing policy of individualized sentencing and risk unjust outcomes in atypical or less aggravated cases.

Overbreadth of the “Elected or Appointed Official” Provision

The bill elevates the offense to a class A felony if the public servant “is an elected or appointed official.” This category is extraordinarily broad. “Appointed official” may include a wide range of individuals across state and county government, including unpaid board members or individuals serving in part-time capacities. The bill applies this enhancement regardless of the amount involved, meaning even relatively small pecuniary benefits could result in the most severe felony classification available under state law. The absence of a graduated framework, based on degree of harm, actual corruption of governmental function, or magnitude of benefit, raises proportionality concerns.

Value Threshold and Aggregation Concerns

The bill also escalates the offense where the aggregate pecuniary benefit exceeds \$20,000. While value thresholds are common in property crimes, bribery statutes already require proof of intent to influence official action. Elevating the offense to a class A felony solely based on monetary aggregation without requiring proof of systemic harm or actual impact, creates a blunt enhancement mechanism that may sweep broadly and produce extreme sentencing exposure in cases involving negotiations or staged investigations.

Additionally, subsection (5)(c) enhances the offense where “three or more acts” occur within a three-year period. The statute does not distinguish between distinct schemes and conduct arising from a single course of dealings. This lack of clarity could generate expansive charging practices.
serious felony contexts.

Strain on the Judicial System

When penalties are dramatically increased and probation is categorically eliminated, defendants are far less likely to resolve cases early. Mandatory enhancements often:

- Increase the number of contested pretrial motions;
- Lengthen trial proceedings;
- Increase appellate litigation;
- Add pressure to correctional facilities.

This inevitably places additional strain on courts, prosecutors, defense counsel, and correctional resources.

Existing Law Already Addresses Serious Conduct

Bribery is currently classified as a class B felony. Courts already have the authority to impose lengthy prison terms where warranted. Judges retain discretion to deny probation in aggravated cases and may consider multiple acts, monetary value, breach of public trust, and harm to the community in fashioning appropriate sentences. The existing framework provides meaningful accountability without mandating inflexible sentencing outcomes.

For these reasons, the Office of the Public Defender **opposes** SB 2249.

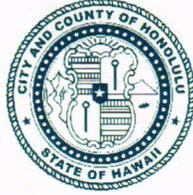
Thank you for the opportunity to comment on this measure.

HONOLULU POLICE DEPARTMENT
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LATE

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RADE K. VANIC
INTERIM CHIEF
KAHU MĀKA'I KŪIKAWA

AARON TAKASAKI-YOUNG
RYAN T. NISHIBUN
INTERIM DEPUTY CHIEFS
NĀ HOPE LUNA NUI MĀKA'I KŪIKAWA

OUR REFERENCE VL-RZ

February 24, 2026

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2249, Relating to Bribery

I am Vince Legaspi, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2249, Relating to Bribery

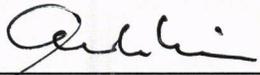
The HPD endorses this legislation that creates a Class A felony for bribery. The crime of bribery can lead to severe and long-lasting effects on the state, counties, and communities. Any measures taken to mitigate bribery will ultimately benefit our state. Having the criteria of a bribe exceeding \$20,000 also aligns this statute with Theft in the First Degree.

The HPD urges you to support Senate Bill 2249, Relating to Bribery.

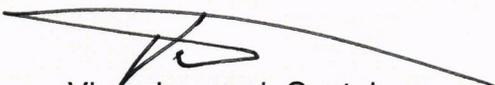
Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Rade K. Vanic
Interim Chief of Police



Vince Legaspi, Captain
Criminal Investigation Division

LATE

SB-2249

Submitted on: 2/23/2026 2:14:40 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Maki Morinoue	Testifying for HULI PAC	Support	Remotely Via Zoom

Comments:

Aloha

Please pass SB2249 immediately! Good governance is needed.

Mahalo

Maki Morinoue

HULI PAC, Hawai'i Island

LATE

SB-2249

Submitted on: 2/23/2026 2:21:11 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Brandon Makaawaawa	Testifying for Nation of Hawai'i	Support	Written Testimony Only

Comments:

****Providing Comments On****

The Nation of Hawai'i is committed to the restoration and preservation of Native Hawaiian rights, self-determination, and the integrity of our communal systems. Ensuring public trust in government and the justice system is essential for the protection of our people, our cultural resources, and the advancement of our collective interests. SB2249, which establishes heightened penalties for the offense of bribery under certain circumstances, directly relates to our longstanding concerns regarding transparency, accountability, and the fair administration of justice in Hawai'i.

Heightened penalties for bribery can serve as a deterrent to corruption and reinforce the importance of ethical conduct among public officials. The Native Hawaiian community has historically experienced the adverse impacts of corruption, particularly in matters involving land use, resource management, and the stewardship of cultural and natural resources as well as the theft of our sovereignty and national lands. Strengthening penalties for bribery aligns with the Nation of Hawai'i's goal to uphold honest governance and protect the integrity of decisions affecting our people and 'āina.

However, it is important that any increase in penalties is accompanied by clear definitions and consistent application to avoid unintended consequences or disparities in enforcement. The bill should ensure that heightened penalties are applied equitably and do not disproportionately impact marginalized communities, including Native Hawaiians. Best practices in criminal justice emphasize the need for transparency in prosecutorial discretion and safeguards against selective enforcement.

We respectfully recommend that the Legislature clarify the specific circumstances under which heightened penalties would apply and consider mechanisms for oversight to ensure fair and consistent enforcement. Additionally, we encourage ongoing dialogue with Native Hawaiian organizations to ensure that anti-corruption measures support, rather than hinder, the pursuit of justice and reconciliation for our community.

Aloha,

Brandon Maka'awa'awa

Vice President, Nation of Hawai'i

LATE

SB-2249

Submitted on: 2/23/2026 7:54:32 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nakoʻolani Warrington	Testifying for Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

STRONG SUPPORT for SB 2249

Hawai‘i needs good governance! Please pass this bill. Mahalo.

LATE

SB-2249

Submitted on: 2/24/2026 12:45:21 AM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Greenpeace Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

My name is Dave Mulinix, Co-Founder & Hawaii State Representative for Greenpeace Hawaii. On behalf of Greenpeace Hawaii's thousands of members and supporters statewide we stand in **STRONG SUPPORT** of SB2249 that Establishes heightened penalties for the offense of bribery under certain circumstances.

Please pass SB2249 to help clean up government corruption in Hawaii.

Dave Mulinix

Greenpeace Hawaii

Co-Founder & Hawaii State Representative

Greenpeace Hawaii

SB-2249

Submitted on: 2/13/2026 11:43:03 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Johnnie-Mae L. Perry	Individual	Support	Written Testimony Only

Comments:

I, Johnnie-Mae L. Perry, STRONGLY SUPPORT

2249 SB RELATING TO BRIBERY.

SB-2249

Submitted on: 2/20/2026 9:13:51 AM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!!!

LATE

SB-2249

Submitted on: 2/23/2026 1:59:12 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Robin Sage	Individual	Support	Written Testimony Only

Comments:

As it appears to the voting citizenry, corrupt and unethical state representatives know and use loop holes in the law to avoid consequences for their actions. These loop holes need to be closed in order to preserve our states trust in elected officials.

LATE

SB-2249

Submitted on: 2/23/2026 2:06:27 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
L. Osterer	Individual	Support	Written Testimony Only

Comments:

Obviously needed along with other bribery bills to decrease offenses that were ignored and went unprosecuted.

LATE

SB-2249

Submitted on: 2/23/2026 2:50:12 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
cheryl burghardt	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members

I STRONGLY SUPPORT SB 2249.

I ask that you support this bill also. One comment, bribes come in many forms of payment, not just money. Paid for trips = \$\$ as well.

Cheryl Burghardt

Nuuanu Oahu

LATE

SB-2249

Submitted on: 2/23/2026 3:48:29 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lisa Galloway	Individual	Support	Written Testimony Only

Comments:

Let's do the right thing.

LATE

SB-2249

Submitted on: 2/23/2026 4:42:58 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lori Kizer	Individual	Support	Written Testimony Only

Comments:

PLEASE vote to get his bill passed. Mahalo.

Lori Kizer, Kapaa

LATE

SB-2249

Submitted on: 2/23/2026 9:10:13 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Daniel R Freund	Individual	Support	Written Testimony Only

Comments:

Folks who take bribes taint everyone else who is doing their job honestly and make citizens question their government. There is no reason to protect either the briber or the person taking the bribe. Please advance this bill.

- Dan Freund, Kapaa

LATE

SB-2249

Submitted on: 2/23/2026 10:03:08 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Joell Edwards	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Members of the Committee,

Joell Edwards from Wainiha, Kaua‘i, in support of SB2249.

Good governance depends on public trust, transparency, and accountability. Bribery erodes confidence in our institutions and undermines fair decision-making. Strengthening our laws to deter and appropriately penalize corrupt practices reinforces the ethical standards our communities expect and deserve.

SB2249 affirms Hawai‘i’s commitment to integrity in public service and safeguards the public trust.

LATE

SB-2249

Submitted on: 2/23/2026 10:04:16 PM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Robert Petricci	Individual	Support	Written Testimony Only

Comments:

Robert Petricci

SB2249

Strong support

Aloha chair Rhoads, vice chair Gabbard, committee members. Current laws have not sufficiently deterred bribery in our state legislature, please support SB2249 to help stop the ongoing corruption.

Mahalo

Robert Petricci

LATE

SB-2249

Submitted on: 2/24/2026 6:59:03 AM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jane Aquino	Individual	Support	Written Testimony Only

Comments:

Let's get corruption out of our government. I support this bill.

Mahalo, Jane Aquino

LATE

SB-2249

Submitted on: 2/24/2026 7:56:50 AM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair, Vice Chair, and Members of the Committee,

My name is **Nanea Lo**, and I **strongly support SB2249**, which increases the offense level for bribery.

Bribery strikes at the core of public trust and democratic governance. When public officials abuse their positions for personal gain, the harm extends beyond a single act—it undermines confidence in government institutions as a whole. Strengthening penalties for bribery sends a clear message that corruption will not be tolerated and that ethical conduct is a fundamental expectation of public service.

SB2249 is an important step toward reinforcing accountability, deterring misconduct, and upholding the integrity of our government. I respectfully urge the Committee to support this measure.

Me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai‘i Member

Hawai‘i Workers Center Board Member

Clean Elections Hawai‘i Member

Honolulu Tenants Union Member

350 Hawai‘i Member

Carbon Cashback Hawai‘i Member

Hawai‘i Tax Fairness Coalition Member

LATE

SB-2249

Submitted on: 2/24/2026 8:34:53 AM

Testimony for JDC on 2/24/2026 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Georgia L Hoopes	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

Mahalo!

Georgia Hoopes, Kalaheo