

ACT 173

H.B. NO. 435

A Bill Relating to Offenses Affecting Occupations.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 708-880, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 708-880 Commercial bribery.** (1) A person commits the offense of commercial bribery if:

- (a) He confers or offers or agrees to confer, directly or indirectly, any benefit upon:
  - (i) An agent with intent to influence the agent to act contrary to a duty to which, as an agent, he is subject; or
  - (ii) An appraiser with intent to influence the appraiser in his selection, appraisal, or criticism; or
- (b) Being an agent, an appraiser, or agent in charge of employment, he solicits, accepts, or agrees to accept, directly or indirectly, any benefit from another person with intent:
  - (i) In the case of an agent, that he will thereby be influenced to act contrary to a duty to which, as an agent, he is subject; or
  - (ii) In the case of an appraiser, that he will thereby be influenced in his selection, appraisal, or criticism; or

(iii) In the case of an agent in charge of employment, that he will thereby be influenced in the exercise of his discretion or power with respect to hiring someone, or retaining someone in employment, or discharging or suspending someone from employment.

(2) In this section:

(a) "Agent" means:

- (i) An agent or employee of another;
- (ii) A trustee, guardian, or other fiduciary;
- (iii) A lawyer, physician, accountant, appraiser, or other professional adviser or informant;
- (iv) An officer, director, partner, manager, or other participant in the direction of the affairs of an incorporated or unincorporated association; or
- (v) An arbitrator or other purportedly disinterested adjudicator or referee;

(b) "Appraiser" means a person who holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of commodities or services;

(c) "Agent in charge of employment" does not include any person conducting a private employment agency licensed and operating in accordance with law.

(3) Commercial bribery is a misdemeanor, except in the event that the value of the benefit referred to in subsection (1) exceeds \$1,000, in which case commercial bribery shall be a class C felony."

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1979.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.