

JAN 25 2006

A BILL FOR AN ACT

RELATING TO CORRUPT PRACTICES INTENDED TO INFLUENCE "OFFICIAL ACTS," AS THAT TERM IS DEFINED BY SECTION 84-3, HAWAII REVISED STATUTES.

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

1 SECTION 1. Chapter 84, Hawaii Revised Statutes, is amended
2 by adding a new part to be appropriately designated and to read
3 as follows:

4 **"PART . CORRUPT PRACTICES INTENDED TO INFLUENCE OFFICIAL ACTS**

5 **§84-A Definitions.** As used in this part:

6 "Local instrumentality" means:

- 7 (1) A political subdivision of the State; or
8 (2) Any department, agency, or instrumentality of such a
9 subdivision.

10 "Local official" means an officer of or individual employed
11 by any local instrumentality.

12 "Instrumentality" means a state instrumentality or local
13 instrumentality.

14 "Official" means a state official or local official.

15 "Person" means:

- 16 (1) A "person" as defined in section 1-19;
17 (2) An officer, director, or agent of such a person;



1 (3) A person employed by such person; or

2 (4) A shareholder or other equity owner of such person
3 acting on its behalf.

4 "State instrumentality" means a state agency or state
5 court.

6 "State official" means employee, legislator, delegate to a
7 constitutional convention, justice, or judge.

8 **§84-B Prohibition of corrupt practices.** No person shall
9 pay or give, offer to pay or give, promise to pay or give, or
10 authorize the payment or gift of any compensation to:

11 (1) Any official or state or local political party for the
12 purpose of:

13 (A) Influencing any official act by such official or
14 act or decision of such party; or

15 (B) Inducing the official or party to use the
16 official's or party's influence with an
17 instrumentality to affect or influence its
18 official act; or

19 (2) Any other person, while knowing or having reason to
20 know that all or a portion of such compensation will
21 be paid, given, offered, or promised, directly or
22 indirectly, to any official or state or local



1 political party for any purpose set forth in paragraph
2 (1) (A) or (B) above

3 if:

- 4 (1) The payment, gift, offer, or promise; or
- 5 (2) The official act by such official, the act or decision
6 of such party, or the inducing of the official or
7 party to use the official's or party's influence with
8 an instrumentality to affect or influence its official
9 act

10 would constitute or result in a violation of:

- 11 (1) Any section of part II of this chapter;
- 12 (2) Any rule of the Rules of the Supreme Court, including
13 any canon in the Revised Code of Judicial Conduct; or
- 14 (3) In the case of a local official, section 84-11 or
15 84-13, as it would apply *mutatis mutandis* after
16 substituting for:
 - 17 (A) "legislator," a local official functioning in a
18 legislative capacity; or
 - 19 (B) "employee," an individual employed by a local
20 instrumentality.



1 **§84-C Penalties for engagement in corrupt practices.** (a)

2 Any individual who willfully violates section 84-B shall, upon
3 conviction, be guilty of a class C felony.

4 (b) Any person not an individual that violates section
5 84-B shall, upon conviction, be fined not more than \$1,000,000.

6 (c) Whenever any person is found to have violated section
7 84-B and is subject to penalty pursuant to subsection (b), any
8 individual who is an agent of the person or is employed by the
9 person and who willfully carried out the act or practice
10 constituting a violation of section 84-B shall, upon conviction,
11 be guilty of a class C felony.

12 (d) Whenever a fine is imposed under subsection (a) or (c)
13 upon any individual who is an officer, director, agent, or
14 shareholder of a person or is an individual employed by the
15 person, such fine shall not be paid, directly or indirectly, by
16 the person.

17 **§84-D Penalties provided in other chapters.** If an act or
18 practice that constitutes a violation of section 84-B also
19 constitutes a violation of any section of any chapter other than
20 this chapter and such other chapter provides for penalties for
21 the violation of such section, then:



1 (1) The maximum penalty that may be imposed shall be the
2 greater of the maximum penalty under section 84-C or
3 under such other chapter; and

4 (2) any minimum penalty under such other chapter shall
5 apply.

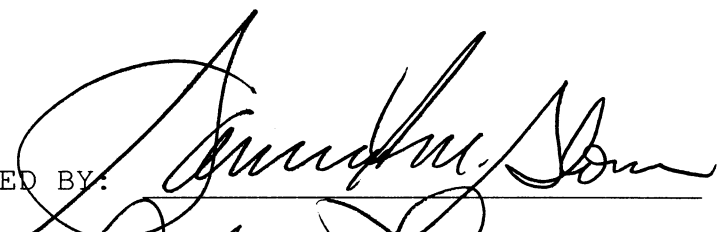
6 **§84-E Injunction.** Whenever it appears to the attorney
7 general that any person is engaged or is about to engage in any
8 act or practice that constitutes or would constitute a violation
9 of section 84-B, the attorney general may, in his discretion,
10 bring a civil action in an appropriate court of this State to
11 enjoin such act or practice, and upon a proper showing a
12 permanent or temporary injunction or a temporary restraining
13 order shall be granted without bond."

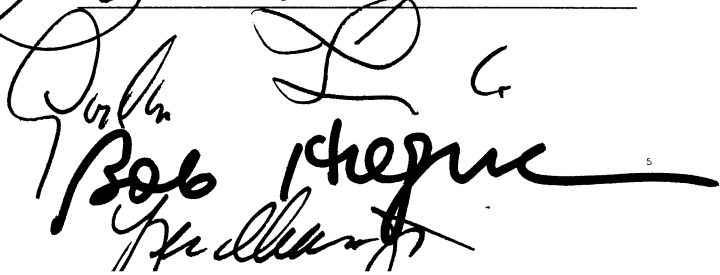
14 SECTION 2. In codifying the new sections added by
15 section 1 of this Act, the revisor of statutes shall substitute
16 appropriate section numbers for the letters used in designating
17 the new sections in this Act.

18 SECTION 3. This Act shall take effect upon its approval.
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INTRODUCED BY:







SB. NO. 2522

Report Title:

Corrupt practices intended to influence official acts

Description:

Prohibits any person from corruptly influencing an official act; provides penalties for such conduct.

