

JAN 23 2009

---

---

# A BILL FOR AN ACT

RELATING TO BRIBES.

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

1           SECTION 1. Chapter 710, Part IV, Hawaii Revised Statutes,  
2 is amended by adding a new section to be appropriately  
3 designated and to read as follows:

4           "§710-    Bribe offer disclosure. (a) As used in this  
5 section:

6           "Disclosure" means complete and timely disclosure of all  
7 relevant information known to the person making the disclosure.

8           "Promptly" means within forty-eight hours, excluding  
9 weekends and state, county, and federal holidays.

10           "Public servant" shall be used as defined in section 710-  
11 1040.

12           (b) Any public servant who receives any offer of anything  
13 of value in consideration for any vote, opinion, judgment,  
14 exercise of discretion, or other action by the public servant  
15 shall disclose the offer promptly to the chief of police and the  
16 county prosecutor of the county in which the offer was made or  
17 received, or to the state attorney general, or to the federal



1 law enforcement agency with jurisdiction over such matters. Any  
2 public servant who fails to disclose an offer as required by  
3 this subsection shall be guilty of a class B felony.

4 (c) Any person who, on the person's own behalf or on  
5 behalf of any other person or entity, is seeking or has  
6 solicited within the preceding year either a contract with any  
7 public agency or the vote, opinion, judgment, exercise of  
8 discretion, or other action of a public servant and from whom  
9 anything of value is solicited in consideration for any  
10 contract, vote, opinion, judgment, exercise of discretion, or  
11 other action by the public servant, shall disclose promptly the  
12 solicitation to the chief of police and the county prosecutor of  
13 the county in which the offer was made or received, or to the  
14 state attorney general, or to the federal law enforcement agency  
15 with jurisdiction over such matters. Any person who fails to  
16 make disclosure of a solicitation as required by this subsection  
17 shall be guilty of a class C felony.

18 (d) No person shall be guilty of a violation of this  
19 section due solely to the unavailability of the law enforcement  
20 personnel or agency to whom disclosure must be made, provided  
21 the person makes a good faith attempt to make the required



1 disclosure to the law enforcement personnel or agency when the  
2 personnel or agency becomes available.

3 (e) Any public servant who receives a disclosure of an  
4 offer or solicitation under this section shall promptly make a  
5 full written record of the disclosure.

6 (f) No offer of a bribe by any person as part of an  
7 undercover investigation by a law enforcement agency shall be  
8 subject to this section if the chief of police or other head of  
9 the law enforcement agency specifically authorizes the offer in  
10 writing as part of an approved official investigation."

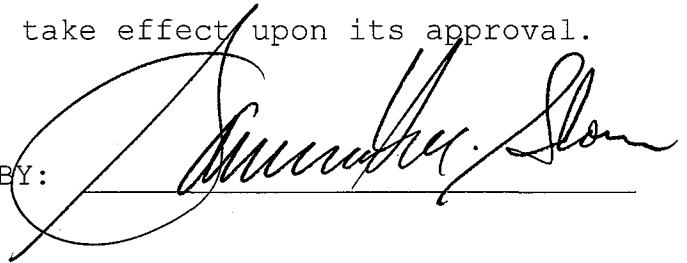
11 SECTION 2. This Act does not affect rights and duties that  
12 matured, penalties that were incurred, and proceedings that were  
13 begun, before its effective date.

14 SECTION 3. New statutory material is underscored.

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

16

INTRODUCED BY:



A handwritten signature in black ink, appearing to read "Munich Slom", is written over a horizontal line. The signature is cursive and stylized.



**Report Title:**

Bribe Offer Disclosure

**Description:**

Requires reporting of bribe offers by public servants and disclosure of corrupt solicitations. Imposes penalties for failure to report.

