
A BILL FOR AN ACT

RELATING TO IMPEACHMENT.

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

1 SECTION 1. Article III, section 19, of the Hawaii State
2 Constitution states that the governor and lieutenant governor,
3 and any appointive officer for whose removal the consent of the
4 senate is required, may be removed from office upon conviction
5 of impeachment for such causes as may be provided by law.

6 Furthermore, article III, section 19, requires the legislature
7 to provide for the manner and procedure of removal by
8 impeachment of the appointive officers.

9 The legislature finds that current law is absent of
10 statutory provisions establishing the causes, manner, and
11 procedure of removal of the governor, lieutenant governor, and
12 appointive officers by impeachment.

13 The purpose of this Act is to establish the causes for, and
14 the manner and procedure of removal by impeachment of the
15 governor, lieutenant governor, and any appointive officer for
16 whose removal the consent of the Senate is required.



1 SECTION 2. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 IMPEACHMENT

6 PART I. IMPEACHMENT GENERALLY

7 § -1 Impeachment; causes for. (a) The governor,
8 lieutenant governor, and any appointive officer for whose
9 removal the consent of the senate is required shall be removed
10 from office upon conviction of impeachment for the following
11 causes:

12 (1) Treason, bribery, or other high crimes and
13 misdemeanors;

14 (2) Misfeasance, malfeasance, or nonfeasance; or

15 (3) Moral turpitude.

16 (b) Two-thirds concurrence of the members of the senate
17 shall be required for conviction of impeachment in accordance
18 with article III, section 19, of the Hawaii State Constitution.

19 PART II. APPOINTIVE OFFICERS

20 § -10 Appointive officers; generally. The house of
21 representatives shall have the sole power of impeachment of any
22 appointive officer for whose removal the consent of the senate



1 is required, and the senate shall have the sole power to try
2 such impeachments. When sitting for that purpose, the members
3 of the senate shall be under oath or affirmation, and the chief
4 justice shall preside.

5 § -11 **Investigative committee.** The house of
6 representatives shall have the power at any time to appoint a
7 committee to investigate charges against any appointive officer
8 subject to impeachment.

9 § -12 **Disqualification.** An appointive officer impeached
10 by the house of representatives shall be disqualified from
11 performing any official duties until acquitted by the senate,
12 and the governor may fill the office by appointment until
13 completion of the trial.

14 § -13 **Articles of impeachment.** Impeachment shall be
15 instituted in the house of representatives by resolution, passed
16 by a majority of the members, and conducted by managers elected
17 by the house of representatives, who shall prepare articles of
18 impeachment, present them at the bar of the senate, and
19 prosecute them. The impeachment shall be heard before the
20 senate, sitting as a court of impeachment.



1 § -14 **Impeachment hearing; service on accused.** (a) The
2 senate shall assign a day for hearing the impeachment and inform
3 the house of representatives thereof.

4 (b) The president of the senate shall cause a copy of the
5 articles of impeachment, with a notice to appear and answer them
6 at the time and place appointed, to be served on the accused not
7 less than ten days before the day fixed for the hearing. The
8 service shall be made by the sergeant-at-arms of the senate upon
9 the accused personally, or, if the accused cannot upon diligent
10 inquiry be found within the State, the senate, upon proof of
11 such fact, may order publication of the notice to be made in a
12 manner it deems proper.

13 § -15 **Court of impeachment; organization.** No later than
14 ten days after the articles of impeachment have been presented
15 to the senate, the senate shall organize as a court of
16 impeachment and, for the purpose of conducting the proceedings
17 of that court, may appoint a clerk, who may be the clerk of the
18 senate. The clerk shall issue all process and keep a record of
19 the proceedings of the court. The court also shall appoint a
20 marshal, who shall be the sergeant-at-arms of the senate, and an
21 assistant marshal. The senate, sitting as a court of



1 impeachment, also may employ any legal, stenographic, clerical,
2 and other assistance as is required and fix their compensation.

3 § -16 **Witness fees; execution of process.** (a)

4 Witnesses shall receive the same compensation for travel and
5 attendance, and the same exemptions in going, remaining, and
6 returning, as witnesses in civil proceedings conducted in the
7 courts.

8 (b) Officers executing the process and orders of the court
9 of impeachment shall receive the fees allowed sheriffs for
10 similar service in the courts.

11 § -17 **Absence of senator from hearing.** The senate,
12 while sitting as a court of impeachment, shall determine what
13 accumulation of absences of a senator during the hearing shall
14 exclude the senator from voting on the final decision.

15 § -18 **Compensation of impeachment personnel.** (a) For
16 the duration of the impeachment trial, the senators comprising
17 the court of impeachment and the managers representing the house
18 of representatives shall be paid travel expenses and allowances
19 provided by law for members of the legislature when convened in
20 regular session.

21 (b) The managers shall be allowed the same compensation
22 for the time required in preparing the proceedings for



1 presentation to the court of impeachment together with their
2 actual and necessary expenses; provided that these expenses
3 shall include the personal or subsistence expenses of the
4 managers. In addition, the managers, during the preparation of
5 the proceedings and the trial, also may employ legal,
6 stenographic, clerical, and other assistance as is required and
7 fix their compensation.

8 (c) The members, officers, employees of the court of
9 impeachment, managers, and all employees of the managers, shall
10 be paid on verified claims approved by the presiding justice of
11 the court of impeachment and attested by its clerk.

12 (d) Court reporters employed by the court of impeachment
13 may be paid the compensation provided by law for reporting
14 proceedings before the courts and also shall receive from the
15 party ordering a transcript of the proceedings, the compensation
16 provided by law for the services.

17 (e) In lieu of the procedures prescribed by subsection
18 (d), the court of impeachment may provide by contract for the
19 reporting and transcription of the proceedings.

20 § -19 **Expenses of impeachment proceedings.** The expenses
21 of impeachment proceedings, after the legislature has adjourned,
22 shall be a charge upon the general fund of the State and shall



1 be paid from any money in the general fund not otherwise
2 appropriated upon verified claims, approved and attested as
3 provided in section -18.

4 § -20 **Vacancy in managers.** When a vacancy occurs in the
5 managers selected by the house of representatives to try
6 impeachment proceedings before the senate, and the house of
7 representatives is not in session, the speaker or the presiding
8 member, or if there is no presiding member, then the vice
9 speaker of the house shall appoint a member of the house of
10 representatives to fill the vacancy.

11 § -21 **Appearance of accused; plea.** (a) If the accused
12 does not appear, the court of impeachment, upon proof of service
13 of the articles of impeachment or publication and upon motion or
14 for cause shown, may assign another day for hearing the
15 impeachment proceedings or may proceed to trial and judgment in
16 the absence of the accused.

17 (b) The accused may object, in writing, to the sufficiency
18 of the articles of impeachment within thirty days of having been
19 served the articles of impeachment or within thirty days of the
20 last publication of the articles of impeachment pursuant to
21 section -14, or the accused may answer the articles of
22 impeachment by an oral plea of not guilty. The plea of not



1 guilty shall be entered upon the journal and shall place in
2 issue every material allegation of the articles of impeachment.

3 (c) If the objection to the sufficiency of the articles of
4 impeachment is not sustained by a majority of the members of the
5 court of impeachment who heard the argument, the accused shall
6 be ordered to answer the articles of impeachment. If the
7 accused then pleads guilty or refuses to plead, the court of
8 impeachment shall render judgment of conviction against the
9 accused. If the accused pleads not guilty, the court of
10 impeachment shall try the impeachment at the time it appoints.

11 § -22 **Judgment.** If the accused is convicted, the court
12 of impeachment, at the appointed time, shall pronounce judgment
13 by resolution entered upon the journals of the court, which
14 shall be the judgment of the senate. The judgment of conviction
15 may provide that the accused be removed from office or that the
16 accused be removed from office and disqualified to hold any
17 office of honor, trust, or profit under the constitution and
18 laws of the State.

19 **PART III. GOVERNOR AND LIEUTENANT GOVERNOR;**

20 **LEGISLATIVE RULES**

21 § -31 **Procedures in lieu of rules.** In the case of the
22 governor and the lieutenant governor, until the house of



1 representatives adopts rules for impeachment proceedings and the
2 senate adopts rules for the trial proceedings, pursuant to
3 article III, section 19, of the state constitution, the house of
4 representatives and the senate may apply the procedures of part
5 II to those proceedings; provided that any impeached governor or
6 lieutenant governor shall not be disqualified from performing
7 official duties prior to conviction, notwithstanding section
8 -12."

9 SECTION 3. This Act shall take effect on July 1, 2050.

10



Report Title:

Impeachment

Description:

Establishes causes and procedures for impeachment of the governor, lieutenant governor, and appointive officers. Effective 07/01/50. (SD1)

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