
A BILL FOR AN ACT

RELATING TO THE STATE ETHICS CODE.

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

1 SECTION 1. Section 84-31, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Charges concerning the violation of this chapter
4 shall be in writing, signed by the person making the charge
5 under oath, except that any charge initiated by the commission
6 shall be signed by three or more members of the commission. The
7 commission shall notify in writing every person against whom a
8 charge is received and afford the person an opportunity to
9 explain the conduct alleged to be in violation of the chapter.
10 The commission may investigate, after compliance with this
11 section, such charges and render an informal advisory opinion to
12 the alleged violator. ~~[The commission shall investigate all
13 charges on a confidential basis, having available all the powers
14 herein provided, and proceedings at this stage shall not be
15 public.]~~

16 The following procedures shall apply:

17 (1) If a charge concerning a violation of this chapter is
18 filed by a person other than the commission, the final



1 disposition of the charge, whether by order to
2 dismiss, issuance of an informal advisory opinion,
3 decision after a hearing, or final disposition by any
4 other means shall be a matter of public record.

5 Notwithstanding the above, the person who filed the
6 charge shall be informed of the status of the charge
7 upon request;

8 (2) If the informal advisory opinion indicates a probable
9 violation, the person charged shall request a formal
10 opinion or within a reasonable time comply with the
11 informal advisory opinion[-]; and

12 (3) If the person charged fails to comply with [~~sueh~~] the
13 informal advisory opinion or if a majority of the
14 members of the commission determine that there is
15 probable cause for belief that a violation of this
16 chapter might have occurred, a copy of the charge and
17 a further statement of the alleged violation shall be
18 personally served upon the alleged violator. Service
19 shall be made by personal service upon the alleged
20 violator wherever found or by registered or certified
21 mail with request for a return receipt and marked
22 deliver to addressee only. If after due diligence



1 service cannot be effected successfully in accordance
2 with the above, service may be made by publication if
3 so ordered by the circuit court of the circuit wherein
4 the alleged violator last resided. The state ethics
5 commission shall submit to the circuit court for its
6 consideration in issuing its order to allow service by
7 publication an affidavit setting forth facts based
8 upon the personal knowledge of the affiant concerning
9 the methods, means, and attempts made to locate and
10 effect service by personal service or by registered or
11 certified mail in accordance with the above. Service
12 by publication when ordered by the court shall be made
13 by publication once a week for four successive weeks
14 of a notice in a newspaper of general circulation in
15 the circuit of the alleged violator's last known state
16 address. The alleged violator shall have twenty days
17 after service thereof to respond in writing to the
18 charge and statement."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.

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S.B. NO. 844

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

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S.B. NO. 844

Report Title:

Ethics Code; Filing a Complaint; State Ethics Commission; Public Record

Description:

Amends the statutory procedures regarding ethics code violation charges filed by a person other than the state ethics commission by requiring the final disposition to be a matter of public record and the filer of the charge to be informed of the status of the charge, upon request.

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