
A BILL FOR AN ACT

RELATING TO HAWAIIAN AFFAIRS.

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

1 SECTION 1. The legislature finds that at times private
2 nonprofit organizations oppose governmental programs, practices,
3 and policies and are sometimes investigated by the attorney
4 general to ensure compliance with business regulations and
5 nonprofit tax exemptions. The investigation can be intimidating
6 and could be deemed to be retaliatory when the nonprofit engages
7 in or is in support of nonviolent civil disobedience against a
8 government program, practice, or policy.

9 The legislature further finds that the constitutional right
10 to free speech and assembly extends to nonprofit organizations
11 and that nonprofit organizations should not be penalized for
12 expressing their opinions, including engaging in nonviolent
13 civil disobedience activity. The legislature further finds that
14 non-profits may also promote constitutionally established rights
15 regarding traditional Hawaiian customs and practices. These
16 rights established by article XII, section 7 of the state
17 constitution are no less worthy of protection and preservation



1 as the rights to free speech and to assemble for the purpose of
2 non-violent civil disobedience.

3 Accordingly, the purpose of this Act is to prohibit the
4 attorney general from investigating nonprofit organizations for
5 exercising their constitutional right to free speech and
6 assembly or protecting constitutional grants of rights, such as
7 the traditional and customary Hawaiian cultural rights expressly
8 protected under article XII, section 7 of the state
9 constitution, with exceptions.

10 SECTION 2. Section 28-2.5, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The attorney general shall investigate alleged
13 violations of the law when directed to do so by the governor, or
14 when the attorney general determines that an investigation would
15 be in the public interest[-]; provided that no investigation
16 shall be conducted in connection with and under circumstances
17 during a period of time in which it is clear that the person is
18 exercising rights by nonviolent civil disobedience that are
19 protected and granted under the Constitution or state
20 constitution, unless the investigation is of an alleged crime as
21 described in the criminal laws of the State directly connected



1 with the person's exercise of protected rights and preceded by
2 the allegation of the criminal act supported by probable cause."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

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



Report Title:

Hawaiian Affairs; Nonprofit Organization; Investigation;
Attorney General; Constitutional Rights

Description:

Prohibits the attorney general from investigating nonprofit organizations for exercising their constitutional right to free speech and assembly or practicing native Hawaiian traditional and customary rights expressly protected under article XII, section 7 of the state constitution, with exceptions. (SD1)

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