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# 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 private nonprofit  
2 organizations sometimes oppose governmental programs, practices,  
3 and policies and are sometimes investigated by the attorney  
4 general to insure compliance with business regulations and tax  
5 exemptions. The investigation can be intimidating and could be  
6 deemed to be retaliatory when the nonprofit engages in  
7 nonviolent civil disobedience against a government program,  
8 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; Mauna Kea; Thirty-meter Telescope; 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. (Proposed SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

