

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 126, H.D. 1, RELATING TO PUBLIC CORRUPTION.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, February 28, 2023 **TIME:** 11:30 a.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Anne E. Lopez, Attorney General, or
David Van Acker, Deputy Attorney General

Chair Yamashita and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and offers the following comments.

The existing bribery statute, section 710-1040, Hawaii Revised Statutes (HRS), is a class B felony offense. This bill seeks to increase the degree of offense for the offense of Bribery to a class A felony if the public servant is an elected or appointed official, the value of the bribe exceeds \$20,000, or the person commits three or more acts of bribery as described in section 710-1040(1), HRS, within a three-year period.

The Department respectfully recommends deleting the wording on page 2, line 19, "notwithstanding any law to the contrary" as follows:

(5) A person convicted of violating this section[
~~notwithstanding any law to the contrary,~~] shall not be eligible for a
deferred acceptance of guilty plea or nolo contendere plea under
chapter 853.

Section 710-1040(5) (currently section 710-1040(4)) clearly states that a person convicted of violating section 710-1040, HRS, is not eligible for the deferred acceptance of guilty plea or nolo contendere plea that is allowed under chapter 853, HRS. See page 2, lines 18-21. The wording "notwithstanding any law to the contrary" appears to be extraneous and may cause unnecessary confusion and unintended negative consequences.

This bill will provide law enforcement with tools to adequately deter and commensurately punish public corruption. We respectfully ask the Committee to pass the bill with the recommended amendment.

Thank you for the opportunity to testify.

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 27, 2023

TO: The Honorable Kyle T. Yamashita, Chair
House Committee on Finance

The Honorable Lisa Kitagawa, Vice Chair
House Committee on Finance

Members of the House Committee on Finance

FROM: Tony Baldomero, Associate Director for *TB*
Kristin Izumi-Nitao, Executive Director
Campaign Spending Commission

SUBJECT: **Testimony on H.B. No. 126, HD1, Relating to Public Corruption**

Tuesday, February 28, 2023
11:30 a.m., Conference Room 308 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) supports this bill.

This bill amends Hawaii Revised Statutes (“HRS”) §710-1040(4) by making bribery of an elected or appointed public official, under certain circumstances, a class A felony. The Commission supports the enhancement of criminal penalties for offenses involving public corruption. If enforced, the Commission believes that criminal penalties are the most effective remedies to deter public corruption.

The Commission requests that this Committee pass this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE KYLE T. YAMASHITA, CHAIR
HOUSE COMMITTEE ON FINANCE
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

February 28, 2023

RE: H.B. 126, H.D. 1; RELATING TO PUBLIC CORRUPTION.

Chair Yamashita, Vice Chair Kitagawa, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in **strong support** of H.B. 126, H.D. 1. This bill is part of the Department's 2023 legislative package, and we thank you for hearing it.

The purpose of H.B. 126, H.D. 1 is to increase penalties for bribery from a class B felony to a class A felony, if:

- the offender was an elected or appointed official;
- the aggregate value involved exceeded \$20,000; or
- the offense was comprised of 3 or more occurrences within a 3 year period.

Given the years of scandal that have shaken the public’s trust in Hawaii’s state and local government, the Department believes that our state laws should be amended to reflect the egregious nature of certain offenses—such as bribery—that involve a serious abuse of authority, or betray the public’s trust to a heightened degree. Every day, thousands of dedicated government workers serve the public diligently and honorably, and their hard work and good reputation should not be marred by those who would selfishly seek their own profits.

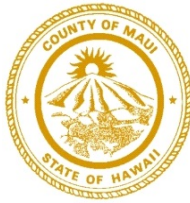
While federal prosecutors have largely taken the lead in prosecuting recent incidents of government officials being bribed, this is largely due to the greater effectiveness and severity of federal laws on the matter. To better equip county prosecutors with the tools to prosecute this type of public corruption, the State also needs more effective laws with serious consequences. We believe H.B. 126, H.D. 1 would do so in a reasonable manner.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of H.B. 126, H.D. 1. Thank you for the opportunity to testify on this matter.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Acting Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 SOUTH HIGH STREET
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TESTIMONY
ON
H.B. 126 HD1 RELATING TO
PUBLIC CORRUPTION

February 27, 2023

The Honorable Kyle T. Yamashita
Chair
The Honorable Lisa Kitagawa
Vice Chair
and Members of the Committee on Finance

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of H.B. 126 HD1**, Relating to Public Corruption. This measure amends H.R.S. §§ 710-1040 and 710-1072.5 to add penalties that reflect the severity of public corruption offenses. We believe that these amendments are a significant step towards increasing public confidence in government employees and officials and ensuring that those who violate the law are held accountable.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports the passage of H.B. 126 HD1**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

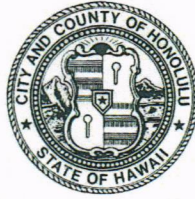
Thank you very much for the opportunity to provide testimony on this bill.

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR



ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE PB-MS

February 28, 2023

The Honorable Kyle T. Yamashita, Chair
and Members
Committee on Finance
House of Representatives
415 South Beretania Street, Room 308
Honolulu, Hawaii 96813

Dear Chair Yamashita and Members:

SUBJECT: House Bill No. 126, H.D. 1, Relating to Public Corruption

I am Parker Bode, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 126, H.D. 1, Relating to Public Corruption.


Public corruption erodes community trust, degrades social and economic prosperity, and weakens democracy. Imposing increased penalties for bribery under certain circumstances will suppress the proliferation of public corruption and lead to a decrease in incidents.

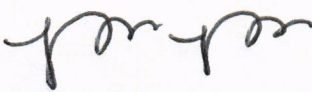
The HPD urges you to support House Bill No. 126, H.D. 1, Relating to Public Corruption.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


Parker Bode, Captain
Criminal Investigation Division