



**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. 986, RELATING TO OFFICIAL MISCONDUCT.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Friday, February 17, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Cheuk Fu Lui, Deputy Attorney General

Chair Tarnas and Members of the Committee:

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

This bill seeks to address corruption by public officers or employees by establishing the criminal offense of official misconduct.

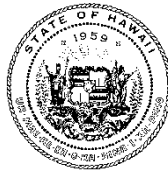
The existing bribery statute, section 710-1040, Hawaii Revised Statutes, only prohibits conduct involving monetary interests. However, public corruption can take many forms beyond mere economic gains, including illegal lobbying, bribery, sexual favors, favorable school placements for children, and anything that violates the public trust for personal gain.

This bill establishes a class C felony offense that specifically prohibits a public servant, acting in his or her official capacity, from performing an unauthorized act or refraining from performing an official duty with the intent to obtain any benefit beyond lawful compensation. This bill also establishes a class C felony offense for the intentional or knowing submission of statements or documents containing false information by a public servant in the public servant's official capacity.

This bill will provide a mechanism to increase the public's trust and confidence in our state and local government while providing law enforcement with a tool to adequately deter and commensurately punish public corruption.

Thank you for the opportunity to testify.

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



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STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION

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February 15, 2023

TO: The Honorable David A. Tarnas, Chair
House Committee on Judiciary & Hawaiian Affairs

The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Members of the House Committee on Judiciary & Hawaiian Affairs

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

SUBJECT: **Testimony on H.B. No. 986, Relating to Official Misconduct.**

Friday, February 17, 2023
2:00 p.m., Conference Room 325 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) supports this bill. This bill adds a new section to Chapter 710, Hawaii Revised Statutes, to establish the criminal offense of official misconduct as a class C 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.

HB-986

Submitted on: 2/15/2023 1:50:45 PM

Testimony for JHA on 2/17/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support