
A BILL FOR AN ACT

RELATING TO OFFICIAL MISCONDUCT.

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

1 SECTION 1. The purpose of this Act is to establish the
2 criminal offense of official misconduct.

3 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
4 amended by adding to part II a new section to be appropriately
5 designated and to read as follows:

6 "§710- Official misconduct; penalty. (1) A public
7 servant commits the offense of official misconduct when, in the
8 person's official capacity, the person:

9 (a) With intent to obtain a benefit other than the
10 person's lawful compensation, intentionally or
11 knowingly performs an act using the power of that
12 person's office, knowing that the act constitutes an
13 unauthorized exercise of the person's official
14 functions;

15 (b) With intent to obtain a benefit other than the
16 person's lawful compensation, intentionally or
17 knowingly refrains from performing an official duty



1 that is imposed upon the person by law or is clearly
2 inherent in the nature of the person's office; or
3 (c) Intentionally or knowingly submits or invites reliance
4 on any statement, document, or record, in written,
5 printed, or electronic form, which the person knows to
6 be falsely made, completed, or altered, or in which
7 the person knows to contain a false statement or false
8 information.

9 (2) As used in this section:

10 "Official function" means the decision, opinion,
11 recommendation, vote, or other exercise or performance of duty
12 of a public servant.

13 "An official duty that is imposed upon the person by law or
14 is clearly inherent in the nature of the person's office" means
15 one or more unspecified duties that are so essential to the
16 accomplishment of the purposes for which the office was created
17 that it is clearly inherent in the nature of the office.

18 (3) Official misconduct is a class C felony."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

Penal Code; Official Misconduct; Offenses Against Public Administration

Description:

Establishes the class C felony offense of official misconduct to prohibit a person, in the person's official capacity, from acting or refraining from performing an official duty with the intent to obtain a benefit other than the person's lawful compensation, or submitting or inviting reliance on any false statement, document, or record. Effective 6/30/3000. (SD1)

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

