

STAND. COM. REP. NO. 1823

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 983
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 983, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TIME LIMITATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to define the terms "public servant" and "government" in section 701-108, Hawaii Revised Statutes, to clarify the scope and applicability of provisions related to the time limitations to bring prosecution based on misconduct in office.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that section 701-108(3)(b), Hawaii Revised Statutes (HRS), extends the time limitations to bring prosecutions based on misconduct in office by a public officer or employee, because misconduct by public officials often takes substantial time to discover and investigate. However, section 701-108, HRS, currently does not define "public officer or employee". Your Committee further finds that the use of the term "public officer or employee" in section 701-108, HRS, is not consistent with chapter 710, HRS, which uses the term "public servant". Therefore, this measure will clarify the terms; help prevent unnecessary litigation; and ensure the proper applicability of section 701-108, HRS.



Your Committee has amended this measure by:

- (1) Removing the definition of "government"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 983, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 983, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



