

STAND. COM. REP. NO. 262

Honolulu, Hawaii

FEB 14 2023

RE: S.B. No. 1240
S.D. 1

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 S.B. No. 1240 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of bribery of an elected official or department head as a class B felony with a maximum monetary penalty of up to \$250,000;
- (2) Require the Commission on Salaries to consider certain factors to retain qualified individuals and deter corruption and bribery; and
- (3) Amend the effective dates of recommended salary increases.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Campaign Spending Commission, Department of Human Resources Development, Honolulu Police Department, and ten individuals.

Your Committee finds that public servants are in positions of public trust. Therefore, deterrence of bribery and corruption of public servants should be a high priority. Your Committee further



finds that existing law relating to bribery caps the fines for bribery at \$25,000, while the federal cap is \$250,000. This measure increases the cap on fines for bribery, which will deter corruption and ensure the public's trust in the state government.

Your Committee has amended this measure by:

- (1) Deleting language that would have established the offense of bribery of an elected official;
- (2) Specifying that a public servant convicted of committing the offense of bribery shall be sentenced to pay a fine of up to \$250,000;
- (3) Incorporating the Department of the Attorney General's recommendation to clarify that the imposition of the fine is in addition to any sentence of imprisonment or probation; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes that the definition of public servant is broad and includes any officer or employee of any branch of government, whether elected, appointed, or otherwise employed and any person participating as advisor, consultant, or otherwise, in performing a governmental function, but the term does not include jurors or witnesses.

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 S.B. No. 1240, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1240, S.D. 1, and be referred to your Committee on Ways and Means.

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



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1240	Committee Referral: JDC, WAM	Date: 2/7/23
---	--	------------------------

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


Distribution:
 Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes