



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, January 31, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) supports the intent of 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. In addition, the bill removes the possibility of an offender receiving a deferral under chapter 853.

Section 2 of the bill also amends the Obstruction of Justice offense under section 710-1072.5, HRS, to criminalize efforts to impact the due administration of justice by means of force, threat of force, coercion, fraud, or deception. It increases the degree of offense for Obstruction of Justice from a class C felony offense to a class B felony offense and removes the possibility of an offender receiving a deferral under chapter 853.

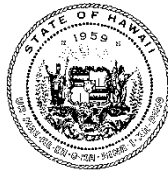
Section 2 of the bill, however, may be subject to legal challenge as violating section 14 of article III of the Hawaii State Constitution. Section 14 of article III of the Hawaii State Constitution provides, in relevant part, that "[e]ach law shall embrace but one subject, which shall be expressed in its title." The title of the bill "Public Corruption"

may not reasonably cover the amendments related to the Obstruction of Justice, as the proposed amendments to section 710-1072.5, HRS, apply to offenses unrelated to public corruption. To address this issue, the Committee may wish to consider revising the bill to limit the applicability of the amendments to section 710-1072.5, HRS, only to offenses related to public corruption, or delete section 2 of the bill.

This bill will provide law enforcement with tools to adequately deter and commensurately punish public corruption and those that seek to improperly impact the due administration of justice. We respectfully ask the Committee pass the bill with recommended amendments.

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

January 30, 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: Kristin Izumi-Nitao, Executive Director 
Campaign Spending Commission

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

Tuesday, January 31, 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.

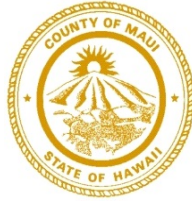
This bill amends Hawaii Revised Statutes (“HRS”) §710-1040(4) by making bribery of an elected or appointed public official, under certain circumstances, a class A felony. The bill amends HRS §710-1072.5 by expanding the offense of obstruction of justice to include the circumstance where a person intentionally impedes or obstructs “the due administration of justice by means of force, threat of force, coercion, fraud, or deception.” The bill also upgrades the obstruction of justice offense from a class C to a class B felony and makes any person convicted of the offense ineligible for a deferred acceptance of a guilty or *nolo contendere* plea. 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.

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
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TESTIMONY
ON
H.B. 126 RELATING TO
PUBLIC CORRUPTION

January 30, 2023

The Honorable David A. Tarnas
Chair
The Honorable Gregg Takayama
Vice Chair
and Members of the Committee on Judiciary & Hawaiian Affairs

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments concerning H.B. 126, Relating to Public Corruption. Specifically, we would like to express our support for the amendments to H.R.S. §§ 710-1040 and 710-1072.5 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. 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.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai'i

January 31, 2023

RE: H.B. 126; RELATING TO PUBLIC CORRUPTION.

Chair Tarnas, Vice-Chair Takayama and members of the House Committee on Judiciary and Hawaiian Affairs, 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. This bill is part of the Department's 2023 legislative package, and we thank you for hearing it.

The purpose of H.B. 126 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.

As written, H.B. 126 would also amend the offense of obstruction of justice, to include doing so by force, threat of force, coercion, fraud, or deception. We understand that portion of the bill may have title issues, and would suggest that portion of the bill (Section 2: p.2, lns. 1-20) be moved to another appropriate bill, such as H.B. 710 (Relating to Government).

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.

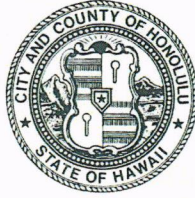
While federal prosecutors have largely taken the lead in prosecuting recent incidents of government officials being bribed, this is largely due to the greater effectiveness and severity of federal laws on the matter. To better equip county prosecutors with the tools to prosecute this type

of public corruption, the State also needs more effective laws with serious consequences. We believe H.B. 126 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. Thank you for the opportunity to testify on this matter.

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

January 31, 2023

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary
and Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

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

Imposing increased penalties for bribery under certain circumstances and adding certain types of conduct for obstruction of justice will suppress the proliferation of public corruption and lead to a decrease in incidents.

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

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in black ink, appearing to read "Arthur J. Logan".

Arthur J. Logan
Chief of Police

A handwritten signature in black ink, appearing to read "Parker Bode".

Parker Bode, Captain
Criminal Investigation Division

HB-126

Submitted on: 1/27/2023 4:42:29 PM

Testimony for JHA on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Support	Written Testimony Only

Comments:

But this will not work if you are just Going to Slap them on the rist and tell them not to do this again. If the commit a crime they have to pay for it in Prison. If they comit Treason they should be Hung!!!!

HB-126

Submitted on: 1/30/2023 2:59:18 PM

Testimony for JHA on 1/31/2023 2:00:00 PM

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

Comments:

Stand in STRONG SUPPORT