



**WRITTEN 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. 983, S.D. 1, RELATING TO TIME LIMITATIONS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Wednesday, April 5, 2023

TIME: 9:45 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Cheuk Fu Lui,
Deputy Attorney General, at 808-404-4328)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) strongly supports this bill.

The purpose of the bill is to clarify the scope and applicability of section 701-108, Hawaii Revised Statutes (HRS), which extends the time limitations to bring prosecutions based on misconduct in office. Specifically, the bill amends section 701-108, HRS, to replace the term "public officer or employee" with "public servant" and adds definitions for "public servant" and "government."

Section 701-108(3)(b), 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."

While the term "public officer or employee" is seemingly unambiguous, its meaning has been a subject of litigation in other jurisdictions. Moreover, 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." Passage of this bill will clarify the terms and help prevent unnecessary litigation, and it would ensure the proper applicability of section 701-108, HRS, thus giving us a more useful tool to combat public corruption.

Thank you for the opportunity to provide support for this bill