



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 1240, S.D. 1, RELATING TO GOVERNMENT.

BEFORE THE:

SENATE COMMITTEE ON WAYS AND MEANS

DATE: Wednesday, February 22, 2023 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Cheuk Fu Lui,
Deputy Attorney General, at 808-404-4328)

Chair Dela Cruz and Members of the Committee:

The Department of the Attorney General (Department) supports this bill and offers the following comments.

The bill (1) amends the offense of bribery to increase the maximum penalty of this Class B felony to \$250,000, in addition to a sentence of imprisonment or probation, (2) requires the commission on salaries to consider certain factors to retain qualified individuals and deter corruption and bribery, and (3) amends the effective dates of recommended salary increases.

The maximum fine for a Class B felony, including the offense of bribery under section 710-1040, Hawaii Revised Statutes (HRS), is currently set at \$25,000. See section 706-640, HRS. The proposed amendment to section 710-1040, HRS, would increase the maximum penalty for bribery to \$250,000. The Department is in support of this amendment because bribery is a crime that severely harms the legislative process and breaches public trust in government and should be deterred. It is essential for prosecutors to have tools to prosecute these serious crimes, and for judges to be able to impose severe sanctions.

Because section 706-640, HRS, authorizes a maximum fine of \$25,000 for Class B felonies, to ensure that the bill achieves its purpose without conflicting with section

706-640, HRS, and to provide clarity, we recommend amending page 2, lines 1-7, as follows:

(4) Bribery is a class B felony. [A] Notwithstanding any law to the contrary, a person convicted of violating this section shall be sentenced to pay a fine of up to \$250,000, in addition to a sentence of imprisonment or probation. A person convicted of violating this section, notwithstanding any law to the contrary, shall not be eligible for a deferred acceptance of guilty plea or nolo contendere plea under chapter 853.

The Department also supports requiring the commission on salaries to consider salaries that can serve to deter corruption and bribery.

The Department supports this bill and thanks the Committee for the opportunity to provide comments.



The Judiciary, State of Hawai'i

**Testimony to the Thirty-Second State Legislature
2023 Regular Session**

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, February 22, 2023, 9:30 a.m.
Conference Room 211 & Videoconference

WRITTEN TESTIMONY ONLY

by:

Rodney A. Maile
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 1240, S.D. 1, Relating to Government.

Purpose: Specifies that a public servant convicted of the offense of bribery shall be sentenced to pay a fine of up to \$250,000, in addition to a sentence of imprisonment or probation. Requires the Commission on Salaries to consider certain factors to retain qualified individuals and deter corruption and bribery. Amends the effective dates of recommended salary increases.

Judiciary's Position:

The Judiciary provides the following comments pertaining to section 3 regarding the Commission on Salaries, and supports the Commission considering salaries that can compete with the private sector.

To avoid unintended consequences, the Judiciary joins the Department of Human Resources Development's proposed amendments beginning on page 4, line 17, through page 5, line 12.

The commission may include incremental increases that take effect prior to the convening of the next salary commission **for the executive and judicial branches; and through December 31 of the year of the first election following the convening of the next salary**

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commission for the legislative branch. The recommended salaries submitted by the commission shall become effective July 1 of the next fiscal year **for the executive and judicial branches; and on January 1 of the year following the first election after the convening of the salary commission for the legislative branch;** unless the legislature disapproves the recommended salary submitted by the commission through the adoption of a concurrent resolution, which shall be approved by a simple majority of each house of the legislature, prior to adjournment sine die of the legislative session in which the recommended salaries are submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted.”

Thank you for the opportunity to testify on this measure.