
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that public servants are
2 in positions of public trust. Deterrence of bribery and
3 corruption should be a priority. The legislature further finds
4 that current state statutes relating to bribery cap the fines
5 for bribery at \$25,000, while the federal cap is \$250,000.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Specify that bribery of a public servant is a class B
8 felony, with a maximum penalty of up to \$250,000, in
9 addition to a sentence of imprisonment or probation;
- 10 (2) Require the commission on salaries to consider certain
11 factors to retain qualified individuals and deter
12 corruption and bribery; and
- 13 (3) Amend the effective dates of recommended salary
14 increases.

15 SECTION 2. Section 710-1040, Hawaii Revised Statutes, is
16 amended by amending subsection (4) to read as follows:



1 "(4) Bribery is a class B felony. A person convicted of
2 violating this section shall be sentenced to pay a fine of up to
3 \$250,000, in addition to a sentence of imprisonment or
4 probation. A person convicted of violating this section,
5 notwithstanding any law to the contrary, shall not be eligible
6 for a deferred acceptance of guilty plea or nolo contendere plea
7 under chapter 853."

8 SECTION 3. Section 26-56, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsection (b) to read:

11 "(b) The commission shall review and recommend an
12 appropriate salary for the governor, lieutenant governor,
13 members of the legislature, justices and judges of all state
14 courts, administrative director of the State or an equivalent
15 position, and department heads or executive officers and the
16 deputies or assistants to the department heads of the
17 departments of:

- 18 (1) Accounting and general services;
- 19 (2) Agriculture;
- 20 (3) The attorney general;
- 21 (4) Budget and finance;



- 1 (5) Business, economic development, and tourism;
- 2 (6) Commerce and consumer affairs;
- 3 (7) Defense;
- 4 (8) Hawaiian home lands;
- 5 (9) Health;
- 6 (10) Human resources development;
- 7 (11) Human services;
- 8 (12) Labor and industrial relations;
- 9 (13) Land and natural resources;
- 10 (14) Public safety;
- 11 (15) Taxation; and
- 12 (16) Transportation.

13 The commission shall not review the salary of any position
14 in the department of education or the University of Hawaii.

15 The commission may recommend different salaries for
16 department heads and executive officers and different salary
17 ranges for deputies or assistants to department heads; provided
18 that the commission shall recommend the same salary range for
19 deputies or assistants to department heads within the same
20 department; provided further that the appointing official shall



1 specify the salary for a particular position within the
2 applicable range.

3 In making its salary recommendation for each position, the
4 commission shall endeavor to attract and retain the best
5 qualified individuals to lead the State and shall consider
6 salaries that can compete with equivalent private sector
7 positions and can serve to deter corruption and bribery.

8 The commission shall not recommend salaries lower than
9 salary amounts recommended by prior commissions replaced by this
10 section."

11 2. By amending subsection (d) to read:

12 "(d) The commission shall convene in the month of November
13 2006, and every six years thereafter. [~~No~~] No later than the
14 fortieth legislative day of the regular session of 2007, and
15 every six years thereafter, the commission shall submit a report
16 of its findings and its salary recommendations to the
17 legislature, through the governor. The commission may include
18 incremental increases that take effect [~~prior to~~] through
19 December 31 of the year of the first election following the
20 convening of the next salary commission.



1 The recommended salaries submitted by the commission shall
2 become effective [~~July 1 of the next fiscal year~~] on January 1
3 of the year following the first election after the convening of
4 the salary commission; unless the legislature disapproves the
5 recommended salaries submitted by the commission through the
6 adoption of a concurrent resolution, which shall be approved by
7 a simple majority of each house of the legislature, prior to
8 adjournment sine die of the legislative session in which the
9 recommended salaries are submitted; provided that any change in
10 salary [~~which~~] that becomes effective shall not apply to the
11 legislature to which the recommendation for the change in salary
12 was submitted.

13 The governor shall include the salary amounts recommended
14 by the commission and approved by the legislature for employees
15 of the executive branch in the executive budget. If the salary
16 amounts recommended by the commission are disapproved by the
17 legislature, the commission shall reconvene in the November next
18 following the legislative disapproval to review the
19 legislature's reasons for disapproving its salary
20 recommendation. The commission may submit a report of its
21 findings and submit a new salary recommendation to the



1 legislature at the next regular session. The commission's
2 reconvening following a legislative disapproval shall not toll
3 the six-year cycle."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval;
10 provided that the amendments made to subsection 26-56(b), Hawaii
11 Revised Statutes, by section 3 of this Act shall not be repealed
12 when that section is reenacted on January 1, 2024, pursuant to
13 section 23 of Act 278, Session Laws of Hawaii 2022.



Report Title:

Government; Public Servant; Bribery; Corruption; Position
Retention; Salary Commission

Description:

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. (SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

