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**THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Third State Legislature
Regular Session of 2025
State of Hawai'i**

March 13, 2025

RE: S.B. 283 S.D. 1; RELATING TO BRIBERY.

Chair Tarnas, Vice Chair Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney for the City and County of Honolulu submits the following testimony in support of S.B. 283 S.D. 1.

This bill increases the grade of offense for bribery from a Class B felony to a Class A felony once certain aggravating conditions are met. First, the defendant must be an elected or appointed official. Second, the aggregate value must exceed \$50,000.

Although a third provision exists for repeated acts of bribery within a two-year period,¹ the aggregate value must still exceed \$50,000. This creates a redundancy that may hamper enforcement. The Department recommends either deleting this provision or setting a different monetary threshold.

The Senate draft substantially amended the Department's original proposal, which would have increased the penalty when any of the following three circumstances was present:

- The offender was an elected or appointed official;
- The aggregated value involved exceeded \$20,000;
- The offense was comprised of three or more occurrences within a three-year period.

While we still support this original language, we do not believe the perfect should be the enemy of the good. With the suggested clarification regarding repeated acts of bribery, this bill will still serve a significant deterrent and enforcement function.

¹ See S.B. 283 S.D. 1, p. 2, 1.19 - p. 3, 1. 2.

Federal prosecutors have historically taken the lead in prosecuting state and county officials involved in bribery. This is largely because federal laws are more effective in use and consequence. Stronger state-law penalties would better equip county prosecutors with the tools to prosecute public corruption—or better yet, deter offenders from bribery in the first place.

Under S.B. 283, these heightened offenses would not be eligible for probation or suspension of sentence. Imprisonment appropriately reflects both the serious breach of public trust and the scale of criminality. It also creates a meaningful deterrent. In the federal system, nearly all offenders receive prison sentences.² By contrast, because these offenders typically have no prior criminal record, they can expect probation in state court even if convicted.

The Department believes the vast majority of Hawaii's state and county workers are dedicated public servants who work diligently and honorably every day. Their hard work and good reputation should not be marred by the few who would selfishly abuse the public's trust for personal profit. Given the numerous recent scandals that have shaken our community's trust in state and county government, the Department urges this Committee to send a strong message to would-be offenders, that this behavior will no longer be tolerated.

The Department strongly urges this Committee to pass S.B. 283.

Thank you for the opportunity to testify.

² See THE PEW CHARITABLE TRUSTS, *More Prison, Less Probation for Federal Offenders: Policy Changes Have Favored Incarceration over Community Supervision*, (Jan 2016) (“Nine in 10 federal offenders received prison sentences in 2014, up from less than half in 1980, as the use of probation declined steadily”). Available online at: https://www.pewtrusts.org/-/media/assets/2016/01/pspp_fs_moreprisonlessprobation_v1.pdf;