

A Bill for an Act Relating to Official Misconduct.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to establish the criminal offense of official misconduct.

SECTION 2. Chapter 710, Hawaii Revised Statutes, is amended by adding to part II a new section to be appropriately designated and to read as follows:

“§710- Official misconduct. (1) A public servant commits the offense of official misconduct when, in the person’s official capacity, the person:

- (a) With intent to obtain a benefit other than the person’s lawful compensation, intentionally or knowingly performs an act using the power of that person’s office, knowing that the act constitutes an unauthorized exercise of the person’s official functions;
- (b) With intent to obtain a benefit other than the person’s lawful compensation, intentionally or knowingly refrains from performing an official duty that is imposed upon the person by law or is clearly inherent in the nature of the person’s office; or
- (c) Intentionally or knowingly submits or invites reliance on any statement, document, or record, in written, printed, or electronic form, that the person knows to be falsely made, completed, or altered, or in which the person knows to contain a false statement or false information.

(2) As used in this section:

“An official duty that is imposed upon the person by law or is clearly inherent in the nature of the person’s office” means one or more unspecified duties that are so essential to the accomplishment of the purposes for which the office was created that it is clearly inherent in the nature of the office.

“Official function” means the decision, opinion, recommendation, vote, or other exercise or performance of duty of a public servant.

(3) Official misconduct is a class C felony.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 4. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 23, 2023.)

Note

1. Edited pursuant to HRS §23G-16.5.