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# A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PUBLIC ADMINISTRATION.

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

1           SECTION 1. The purpose of this Act is to further define  
2 and implement the legislature's inherent contempt authority,  
3 established under article III, section 18 of the Hawaii state  
4 constitution. Specifically, this Act:

5           (1) Clarifies the existing offense of legislative  
6 contempt, to include disorderly or contemptuous  
7 behavior, or behavior that creates a breach of peace  
8 or disturbance to legislative proceedings;

9           (2) Establishes the legislature's authority to find a  
10 person in summary contempt;

11           (3) Clarifies the authority of the sergeant-at-arms to  
12 arrest and remove a person engaging in disorderly or  
13 contemptuous behavior or creating a breach of the  
14 peace or disturbance; and

15           (4) Reduces the severity of the offense of legislative  
16 contempt.

17           SECTION 2. Section 21-14, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           "**§21-14 Contempt.** (a) A person who is not a member of  
2 either house of the legislature shall be in contempt if the  
3 person:

4           (1) Fails or refuses to appear in compliance with a  
5 subpoena or, having appeared, fails or refuses to  
6 testify under oath or affirmation;

7           (2) Fails or refuses to answer any relevant question or  
8 fails or refuses to furnish any relevant book, paper,  
9 or other document subpoenaed by or on behalf of an  
10 investigating committee;

11           (3) [~~Commits any other act or offense against an~~  
12 ~~investigating committee which, if committed against~~  
13 ~~the legislature or either house thereof, would~~  
14 ~~constitute a contempt.] Recklessly engages in  
15 disorderly or contemptuous behavior during a hearing  
16 of an investigating committee, or session of the  
17 legislature or either house thereof, committed in the  
18 immediate view and presence of the investigating  
19 committee, legislature, or either house, and directly  
20 tending to interrupt the proceedings or impair the  
21 respect due to such proceedings and to the authority~~



1           of the investigating committee, legislature, or either  
2           house; or

3           (4) Creates a breach of peace or disturbance with intent  
4           to interrupt an investigating committee's proceedings  
5           or session of the legislature or either house thereof.

6           (b) [Am] Upon commission of an offense under this section,  
7 an investigating committee [may], the legislature or either  
8 house thereof, by majority vote of all its members, shall report  
9 to the legislature or the house thereof by which it was  
10 established, any instance of alleged contempt. The president or  
11 speaker, or both, as the case may be, shall certify a statement  
12 of such contempt under the president's or speaker's signature as  
13 president or speaker, [as the case may be,] to the attorney  
14 general who shall prosecute the offender in any court of the  
15 State. If the legislature is not in session, a statement of the  
16 alleged contempt shall be certified by the chairperson or acting  
17 chairperson of the committee concerned, under the chairperson's  
18 or acting chairperson's signature, to the attorney general who  
19 shall prosecute the offender as aforesaid. An instance of  
20 alleged contempt shall be considered as though committed in or  
21 against such house or the legislature itself.



1        (c) Upon commission of an offense under subsection (a)(3)  
2 or (4), if the offense was committed in the immediate view and  
3 presence of the investigating committee, legislature, or either  
4 house thereof, or under such circumstances that the  
5 investigating committee, legislature, or either house of the  
6 legislature, has knowledge of all of the facts constituting the  
7 offense, the investigating committee, legislature, or either  
8 house of the legislature, by majority vote of the members  
9 present, may find the person in summary contempt under the rules  
10 of the legislature or respective house of the legislature,  
11 provided that the person is:

- 12        (1) Provided written notice of the charge levied against  
13        them;  
14        and  
15        (2) Provided the opportunity to be heard and to present  
16        evidence in the person's own defense.

17        (d) Whenever there is probable cause to believe that a  
18 person has violated subsection (a)(3) or (4), the person shall  
19 be subject to arrest and removal from the presence of the  
20 legislature or either house or any committee of a house, by the  
21 sergeant-at-arms of the affected house or by any other law



1 enforcement officer of the State, as directed by the sergeant-  
2 at-arms."

3 SECTION 3. Section 21-15, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) A person guilty of contempt under this chapter shall  
6 be fined not more than \$1,000 or imprisoned not more than [~~one~~  
7 ~~year~~] ten days, or both."

8 SECTION 4. The respective houses of the legislature shall  
9 adopt rules to give effect to the provisions of this Act.

10 SECTION 5. The provisions of this Act shall be liberally  
11 construed to give effect to the purposes thereof.

12 SECTION 6. Nothing in this Act is intended to interfere  
13 with the First Amendment rights of free speech and expression of  
14 any person affected.

15 SECTION 7. If any provision of this Act, or the  
16 application thereof to any person or circumstance, is held  
17 invalid, the invalidity does not affect other provisions or  
18 applications of the Act that can be given effect without the  
19 invalid provision or application, and to this end the provisions  
20 of this Act are severable.



1 SECTION 8. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

4 SECTION 9. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 10. This Act shall take effect on July 1, 2034.



**Report Title:**

Legislature; Decorum

**Description:**

Implements the Legislature's constitutional authority to take action against disorderly or contemptuous behavior or breach of the peace at the Legislature. Effective July 1, 2034. (HB2751 HD1)

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

