



**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, RELATING TO GOVERNMENT.

BEFORE THE:
SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 07, 2023 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Morgan Early, Deputy Attorney General

Chair Rhoads and Members of the Committee:

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

This purpose of this bill is to (1) establish the offense of bribery of an elected official or department head as a class B felony with a maximum penalty of up to \$250,000, (2) require the commission on salaries to consider certain factors to retain qualified individuals and deter corruption and bribery, and (3) amend the effective dates of recommended salary increases.

The difference between the proposed criminal offense of bribery of an elected official or department head and the existing bribery statute, section 710-1040, Hawaii Revised Statutes (HRS), is the authorization of a maximum fine of \$250,000, as opposed to the present maximum penalty of \$25,000. It also precludes offenders from seeking a deferred acceptance of a guilty or nolo contendere plea.

The Department is in support of this section of the bill as bribery is a crime that severely harms the legislative process and breaches public trust in government. It is essential for prosecutors to have tools to prosecute these serious crimes, and for judges to be able to impose severe sanctions.

To ensure that the bill achieves its purpose and to clarify that the imposition of fine is in addition to a sentence of prison or probation, we recommend that subsection

(3) of the new section being added to chapter 710, HRS, in section 2 of the bill be amended at page 3, lines 4-9, as follows:

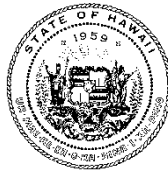
(3) Bribery of an elected official or department head is a class B felony~~[, with a maximum penalty]~~. Notwithstanding any law to the contrary, a person convicted of violating this section shall be sentenced to pay a fine of up to \$250,000[-], in addition to a sentence of imprisonment or probation. 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.

We also recommend the addition of a subsection (5), at page 3, line 12, to read as follows:

(5) For the purposes of this section, “department head” has the same meaning as in section 39-51.

The Department also supports requiring the commission 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.



STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION


235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 6, 2023

TO: The Honorable Karl Rhoads, Chair
Senate Committee on Judiciary

The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

Members of the Senate Committee on Judiciary

FROM: Kristin Izumi-Nitao, Executive Director
Campaign Spending Commission 

SUBJECT: **Testimony on S.B. No. 1240, Relating to Government.**

Tuesday, February 7, 2023
9:30 a.m., Conference Room 16 & Videoconference

Thank you for the opportunity to testify on this bill. The Campaign Spending Commission (“Commission”) supports this bill.

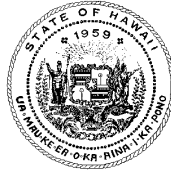
In Section 2, this bill establishes the offense of bribery of an elected official or department head as a class B felony with a maximum penalty of up to \$250,000.¹ The Commission recommends that this Committee extend this new offense to all state and local employees, and not just department heads. The Commission supports the enhancement of criminal penalties for offenses involving public corruption. If enforced, the Commission believes that criminal penalties are the most effective remedies to deter public corruption.

The Commission requests that this Committee pass this bill with the stated amendment.

¹ The bill also amends Hawaii Revised Statutes (“HRS”) §26-56 to require the Commission on Salaries to consider to certain factors to retain qualified individuals and deter corruption and bribery.

JOSH GREEN, M. D.
GOVERNOR
KE KIA'ĀINA

SYLVIA LUKE
LT. GOVERNOR
KA HOPE KIA'ĀINA



BRENNA H. HASHIMOTO
DIRECTOR
KA LUNA HO'OKELE

RYAN YAMANE
DEPUTY DIRECTOR
KA HOPE LUNA HO'OKELE

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
KA 'OIHANA HO'OMŌHALA LIMAHANA
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

Statement of
BRENNA H. HASHIMOTO
Director, Department of Human Resources Development

Before the
SENATE COMMITTEE ON JUDICIARY
Tuesday, February 7, 2023
9:30 AM
State Capitol, Conference Room 016

In consideration of
SB 1240, RELATING TO GOVERNMENT

Chair Rhoads, Vice Chair Gabbard, and the members of the committee.

The Department of Human Resources Development (DHRD) is in **support** of SB 1240 and offers comments on section 3 regarding the commission on salaries.

The purpose of SB 1240 is to (1) establish the offense of bribery of an elected official or department head as a class B felony with a maximum penalty of up to \$250,000; (2) require the commission on salaries to consider certain factors to retain qualified individuals and deter corruption and bribery; and (3) amend the effective dates of recommended salary increases.

DHRD understands the importance of maintaining the public's trust in our elected and appointed officials and supports the purpose of the bill to increase the penalties for individuals who commit the offense of bribery of an elected official or department head.

The following comments regarding the commission on salaries recommendations (section 3) are offered:

1. The role and responsibility of the commission on salaries is to make salary recommendations that are fair, competitive, and will attract and retain qualified individuals. It will be difficult for the commission to accomplish this if salaries are delayed by 18 months and the commission is required to forecast salaries 7½ years into the future. Freezing pay will compound compression issues already created by the disparity between the modest commission increases and

collective bargaining adjustments.

2. DHRD respectfully recommends that the amendment to the effective dates of the recommended salary increases apply only to the legislative branch. Article XVI, section 3.5 of the constitution of the State of Hawai'i requires that a change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted. This does not apply to the executive and judicial branches.

Suggested language begins on page 5, line 20 of the bill:

“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 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.”

3. This bill requires the commission to consider salaries in the private sector when making their recommendations. This will assist in attracting and retaining qualified individuals in these positions.

Thank you for the opportunity to provide testimony and comments on this measure.

SB-1240

Submitted on: 2/3/2023 8:04:08 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Andrew Crossland	Individual	Support	Written Testimony Only

Comments:

I support this Bill.

SB-1240

Submitted on: 2/4/2023 3:51:52 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

Please help restore faith in government by passing this bill. You have only to look at the case of Stewart Stant, a former Maui County environmental director, who is due to be sentenced in federal court for taking nearly two million dollars in bribes. Because he is in federal court, he could be fined up to \$250,000. In Hawaii, the most would be \$25,000. Something is wrong with this picture. Very wrong. One of the reasons we are seeing all this corruption at the county and state levels is because the miscreants believe that crime pays.

SB-1240

Submitted on: 2/6/2023 1:02:22 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Manahel Al-hozail	Individual	Support	Written Testimony Only

Comments:

I support more penalties for bribery.

SB-1240

Submitted on: 2/6/2023 1:18:05 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Emerson	Individual	Support	Written Testimony Only

Comments:

Public servants are suppose to do their term and return to their everyday job. There is no such thing as politician career, thats called power hungry and greed. We need to make an example out of corrupt officials that accept bribes and hold them accountable. We need term limits for these individuals and i hope thats in the next bill. Im not voicing my testimony for me but the next generation as well.

SB-1240

Submitted on: 2/6/2023 2:04:10 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolina Carreira	Individual	Oppose	Written Testimony Only

Comments:

As a law abiding citizen, responsible gun owner and mother of young children I strongly oppose this bill. The highest court in our nation ruled last year that the right to carry is our constitutional right. Who are our legislators to think they can circumvent not only the Supreme Court but the U. S. Constitution? Everywhere is a "sensitive" place by their standards and this bill proposes to take away my constitutional right to defend myself and my family from harm. By no means do I seek to minimize the handling of a firearm. It is life threatening and should be treated with great care and responsibility. I am 100 percent prepared to do any necessary training. Do not take away my right to protect the life of my family. This law denies people the ability to be their own first responders. Stop letting fear drive your decision making. If you wish to make gun laws, do so by consulting with experts who actually know about firearms and training to carry so that laws can be fair and reasonable .

SB-1240

Submitted on: 2/6/2023 2:23:24 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Sabrina Sumner	Individual	Support	Written Testimony Only

Comments:

I, Sabrina Sumner, support the bill to raise penalties for bribery of elected officials. This NEEDS to happen and become punishable. STOP all career politicians from getting rich of peoples suffering.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulupd.org



RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE PB-MS

February 7, 2023

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 1240, Relating to Government

I am Parker Bode, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 1240, Relating to Government.


Deterring the bribery of elected officials and department heads is paramount in ensuring the public's trust in government.

The HPD urges you to support Senate Bill No. 1240, Relating to Government.


Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


for Parker Bode, Captain
Criminal Investigation Division

SB-1240

Submitted on: 2/6/2023 10:39:33 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Support	Written Testimony Only

Comments:

Government officials should be held to the highest standards.

SB-1240

Submitted on: 2/6/2023 11:21:25 PM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Keikilani Ho	Individual	Support	Written Testimony Only

Comments:

Hawaii's most recent history with bribery related to elected government officials has caused the people of hawaii much mistrust with our government. Elected government officials should be held accountable to the highest penalty possible for misusing their power given to them by the people.

SB-1240

Submitted on: 2/7/2023 1:33:17 AM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
jaerick medeiros-garcia	Individual	Support	Written Testimony Only

Comments:

I support SB 1240 anybody that does shady deals need to face high penalties.

SB-1240

Submitted on: 2/7/2023 1:50:37 AM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Terry Murakami	Individual	Support	Written Testimony Only

Comments:

I would like to support SB1240. In order to help improve relations between the citizens and elected officials it is vital to discourage bribery.

SB-1240

Submitted on: 2/7/2023 7:53:58 AM

Testimony for JDC on 2/7/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jr Tupai	Individual	Support	Written Testimony Only

Comments:

Thank you Chair Rhoads, Vice Chair Gabbard, members of the Senate Committee on Judiciary for the opportunity to testify in strong support of SB1240.