



GOV. MSG. NO. 1231

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

June 23, 2023

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 23, 2023, the following bill was signed into law:

HB986 HD1 SD1 CD1

RELATING TO OFFICIAL MISCONDUCT.
ACT 130

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUN 23 2023

HOUSE OF REPRESENTATIVES
THIRTY-SECOND LEGISLATURE, 2023
STATE OF HAWAII

H.B. NO. 986
H.D. 1
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO OFFICIAL MISCONDUCT.

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

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

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

6 "§710- Official misconduct. (1) A public servant
7 commits the offense of official misconduct when, in the person's
8 official capacity, the person:

9 (a) With intent to obtain a benefit other than the
10 person's lawful compensation, intentionally or
11 knowingly performs an act using the power of that
12 person's office, knowing that the act constitutes an
13 unauthorized exercise of the person's official
14 functions;

15 (b) With intent to obtain a benefit other than the
16 person's lawful compensation, intentionally or
17 knowingly refrains from performing an official duty



1 that is imposed upon the person by law or is clearly
 2 inherent in the nature of the person's office; or
 3 (c) Intentionally or knowingly submits or invites reliance
 4 on any statement, document, or record, in written,
 5 printed, or electronic form, that the person knows to
 6 be falsely made, completed, or altered, or in which
 7 the person knows to contain a false statement or false
 8 information.

9 (2) As used in this section:

10 "An official duty that is imposed upon the person by law or
 11 is clearly inherent in the nature of the person's office" means
 12 one or more unspecified duties that are so essential to the
 13 accomplishment of the purposes for which the office was created
 14 that it is clearly inherent in the nature of the office.

15 "Official function" means the decision, opinion,
 16 recommendation, vote, or other exercise or performance of duty
 17 of a public servant.

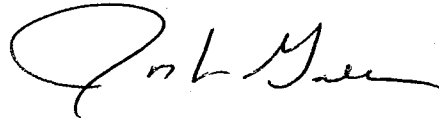
18 (3) Official misconduct is a class C felony."

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



- 1 SECTION 4. New statutory material is underscored.
- 2 SECTION 5. This Act shall take effect upon its approval.
- 3

APPROVED this 23rd day of June , 2023



GOVERNOR OF THE STATE OF HAWAII



HB No. 986, HD 1, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 2, 2023
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki
Speaker
House of Representatives

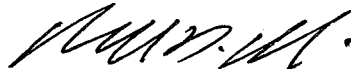



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI'I

Date: May 2, 2023
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2023.


President of the Senate


Clerk of the Senate