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# 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.
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**Report Title:**

Penal Code; Official Misconduct; Offenses Against Public Administration

**Description:**

Establishes the class C felony offense of official misconduct to prohibit a person, in the person's official capacity, from acting or refraining from performing an official duty with the intent to obtain a benefit other than the person's lawful compensation, or submitting or inviting reliance on any false statement, document, or record. (CD1)

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

