

JAN 22 2007

A BILL FOR AN ACT

RELATING TO OFFENSE AGAINST THE PUBLIC ADMINISTRATION.

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

1 SECTION 1. Chapter 710, part II, Hawaii Revised Statutes,
2 is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "§710- Obstruction of public administration; official
5 misconduct. (1) A person commits the offense of official
6 misconduct if:

- 7 (a) The person is a public servant;
8 (b) The person has reasonable suspicion to believe that a
9 crime has been committed, is being committed, or is
10 about to be committed by another public servant; and
11 (c) The person intentionally or knowingly fails to report
12 promptly the crime that has been committed, is being
13 committed, or is about to be committed to law
14 enforcement authorities.

- 15 (2) The report required by subsection (1) shall include:
16 (a) The reporting person's name;
17 (b) The date, time, and place of the incident;
18 (c) The identity; and



- 1 (d) The description of all participants and events
2 amounting to a violation of subsection (1).
- 3 (3) The report shall be made:
- 4 (a) Within five days from the time the crime was committed
5 or from the time the reporter knows about or should
6 have known about the violation of subsection (1),
7 whichever is later;
- 8 (b) In the case of a crime being committed, at the time
9 the crime is being committed; and
- 10 (c) In the case of a crime that is about to be committed,
11 prior to the commission of the crime, if the reporter
12 knows about or should have known about the crime.
- 13 (4) A person acting in good faith shall be immune from any
14 civil liability for reporting a violation of subsection (1).
- 15 (5) Notwithstanding any law to the contrary, this duty
16 shall exist, except that this section shall not require of a
17 communication that is privileged by law.
- 18 (6) Official misconduct is an offense of the same class
19 and grade as the most serious offense that has been committed,
20 is being committed, or is about to be committed."



S.B. NO. 1575

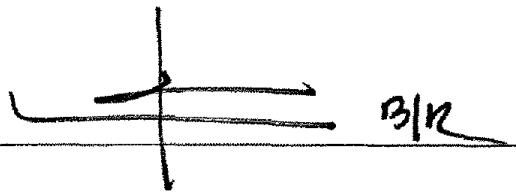
1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect upon its approval.

6

INTRODUCED BY:

 B/R



Report Title:

Public Administration; Official Misconduct

Description:

Creates the offense of official misconduct, requiring any public servant to report the commission of a crime by another public servant.

