
A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. The legislature finds that the mens rea
2 requirement to prove a violation of the lobbyists law, section
3 97-7, Hawaii Revised Statutes, is no longer appropriate, given
4 that the failure to file a statement or report with the state
5 ethics commission is no longer a criminal offense.

6 Accordingly, the purpose of this Act is to remove statutory
7 remnants from when violations of the lobbyists law resulted in
8 criminal penalties. This Act also clarifies that the state
9 ethics commission may assess an administrative fine pursuant to
10 a settlement agreement.

11 SECTION 2. Section 97-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~§97-7 Penalties; administrative fines.~~ (a) Any person
14 who:

15 (1) ~~[Wilfully fails]~~ Fails to file any statement or report
16 required by this chapter;



- 1 (2) ~~[Wilfully files]~~ Files a statement or report
- 2 containing false information or material omission of
- 3 any fact;
- 4 (3) Engages in activities prohibited by section 97-5; or
- 5 (4) Fails to provide information required by section 97-2
- 6 or 97-3;
- 7 shall be subject to an administrative fine imposed by the state
- 8 ethics commission that shall not exceed \$1,000 for each
- 9 violation of this chapter. All fines collected under this
- 10 section shall be deposited into the general fund.
- 11 (b) No fine shall be assessed unless:
- 12 (1) The commission convenes a hearing in accordance with
- 13 section 97-6(c) and chapter 91[+] and a decision has
- 14 been rendered by the commission; or
- 15 (2) ~~[A decision has been rendered by the commission.]~~ The
- 16 commission and the alleged violator agree to resolve
- 17 any alleged violation prior to completion of the
- 18 contested case process and the resolution includes
- 19 payment of an administrative fine, restitution, or
- 20 both."



H.B. NO. 1854

1 SECTION 3. 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 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY: 
JAN 18 2018



H.B. NO. 1854

Report Title:

State Ethics Commission; Lobbyists; Administrative Fines;
Settlement Agreement

Description:

Amends the lobbyists law to eliminate outdated references to criminal violations and to clarify that the State Ethics Commission may require payment of an administrative fine or restitution pursuant to a settlement agreement.

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

