

Honolulu, Hawaii

APR 06 2023

RE: H.B. No. 710
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 710, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the class C felony offense of using or making false statements or entries in matters within the jurisdiction of the executive, legislative, or judicial branch of the State, or any county;
- (2) Disqualify a person charged with using or making a false statement or entry from holding any elected or appointed office in the executive, legislative, or judicial branches for a period of ten years; and
- (3) Amend the offense of obstruction of justice, increase it to a class B felony, and remove the allowance that an offender be eligible for a deferred acceptance of guilty plea or nolo contendere plea.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu



Police Department, and one individual. Your Committee received comments on this measure from the Department of the Attorney General and Office of the Public Defender.

Your Committee finds that to improve the standard of conduct within government and to more effectively combat fraud, waste, and corruption, it is necessary to establish criminal offenses and penalties, including the offense of obstruction of justice. This measure will restore public trust in state government and increase the level of transparency in its operations and accountability of individuals.

Your Committee has amended this measure by:

- (1) Removing part I of the measure, which would have established the class C felony offense of using or making false statements or entries in matters within the jurisdiction of the executive, legislative, or judicial branch of the State, or any county and disqualified a person charged with using or making a false statement or entry from holding any elected or appointed office in the executive, legislative, or judicial branches for a period of ten years;
- (2) Restoring the offense of obstruction of justice to a class C felony for activity under section 710-1072.5(1)(a), Hawaii Revised Statutes, regarding a witness refusing to testify;
- (3) Removing language that would have specified that a person who is charged for the offense of obstruction of justice for activity under section 710-1072.5(1)(a), Hawaii Revised Statutes, regarding a witness refusing to testify, is not eligible for a deferred acceptance of guilty plea or nolo contendere plea;
- (4) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



Your Committee notes that the offense of using or making false statements or entries is addressed by other measures under consideration this regular session.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 710, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 710, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



