
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART I

2 SECTION 1. The legislature finds that the house of
3 representatives adopted House Resolution No. 9, Regular Session
4 of 2022, to establish the commission to improve standards of
5 conduct. The resolution requests that the commission ensure
6 state laws and rules relating to standards of conduct of public
7 officers and employees contain clear standards, enforcement, and
8 penalties and provide recommendations to increase awareness of,
9 compliance with, and deterrent effects of the code of ethics,
10 lobbying laws, campaign finance laws, and other relevant laws
11 and rules.

12 Pursuant to House Resolution No. 9, the commission to
13 improve standards of conduct convened regularly throughout 2022
14 to diligently review, discuss, and consider the issues
15 presented; submit an interim report to the house of
16 representatives outlining areas of immediate and long-term
17 focus; receive input from the public and invited individuals and



1 agencies; and issue a final report with various recommendations
2 and accompanying proposed legislation.

3 The legislature also finds that the strength and stability
4 of our democratic government rely upon the public's trust in
5 government institutions, including the expectation that officers
6 act ethically with prudence, integrity, and sound judgement.
7 Therefore, an essential goal of the Commission was to provide
8 recommendations that would help restore public trust in state
9 government and increase the level of transparency in its
10 operations and accountability of individuals.

11 Accordingly, the purpose of this part is to implement
12 recommendations of the commission to improve standards of
13 conduct relating to using or making false statements or entries
14 in matters within the jurisdiction of the executive,
15 legislative, or judicial branch of the State, or any county.
16 This part also disqualifies a person convicted of using or
17 making false statements or entries from receiving public
18 financing for elections for a period of ten years. This part is
19 patterned after the federal "false statements or entries"
20 statute, title 18 United States Code section 1001, and



1 therefore, the courts of the State and counsel should look to
2 federal case law and precedent for direction.

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

6 "§710- Using or making false statements or entries;

7 generally. (1) Except as otherwise provided in this section, a
8 person commits the offense of using or making false statements
9 or entries if, in any matter within the jurisdiction of the
10 executive, legislative, or judicial branch of the State, or any
11 county, the person intentionally or knowingly:

12 (a) Falsifies, conceals, or covers up a material fact by
13 any trick, scheme, or device;

14 (b) Makes any materially false, fictitious, or fraudulent
15 statement or representation; or

16 (c) Makes or uses any false writing or document knowing
17 the writing or document contains any materially false,
18 fictitious, or fraudulent statement or entry.

19 (2) Application of this section shall be based on title 18
20 United States Code section 1001 and any relevant federal case
21 law and precedent.



1 (3) Using or making false statements or entries is a class
2 C felony. A person charged under this section shall be eligible
3 for a deferred acceptance of guilty plea or nolo contendere plea
4 under chapter 853. A person who is convicted under this section
5 shall be disqualified from receiving public financing under part
6 XIII, subpart J of chapter 11 for a period of ten years from the
7 date of conviction.

8 (4) Subsection (1) shall not apply to a party to a
9 judicial proceeding, or that party's counsel, for statements,
10 representations, writings, or documents submitted by the party
11 or counsel to a judge or magistrate in that proceeding.

12 (5) With respect to any matter within the jurisdiction of
13 the legislature, subsection (1) shall apply only to:

14 (a) Administrative matters, including:

15 (i) A claim for payment;

16 (ii) A matter related to the procurement of property
17 or services;

18 (iii) Personnel or employment practices;

19 (iv) Support services; or



1 (v) A document required by law or rule to be
2 submitted to the legislature or any office or
3 officer within the legislature; or

4 (b) Any investigation or review conducted pursuant to the
5 authority of any committee, subcommittee, commission,
6 or office of the legislature, consistent with
7 applicable rules of the senate or house of
8 representatives."

9 SECTION 3. Section 11-428, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "~~§~~11-428~~§~~ **Eligibility requirements for public funds.**

12 (a) In order to be eligible to receive public funds for an
13 election, a candidate shall certify that the candidate will meet
14 all the following requirements:

15 (1) The candidate and any candidate committee authorized
16 by the candidate shall not incur campaign expenses in
17 excess of the expenditure limitations imposed by
18 section 11-423;

19 (2) The candidate has qualified to be on the election
20 ballot in a primary or general election;



- 1 (3) The candidate has filed a statement of intent to seek
2 qualifying contributions. A contribution received
3 before the filing of a statement of intent to seek
4 public funds shall not be considered a qualifying
5 contribution;
- 6 (4) The candidate or candidate committee authorized by the
7 candidate has received the minimum qualifying
8 contribution amounts for the office sought by the
9 candidate as set forth in section 11-429;
- 10 (5) The aggregate of contributions certified with respect
11 to any person under paragraph (4) does not exceed
12 \$100;
- 13 (6) The candidate agrees to obtain and furnish any
14 evidence relating to expenditures that the commission
15 may request;
- 16 (7) The candidate agrees to keep and furnish records,
17 books, and other information that the commission may
18 request;
- 19 (8) The candidate agrees to an audit and examination by
20 the commission pursuant to section 11-434 and to pay



1 any amounts required to be paid pursuant to that
2 section; and
3 (9) Each candidate and candidate committee in receipt of
4 qualifying contributions that may be taken into
5 account for purposes of public funding shall maintain,
6 on a form prescribed by the commission, records that
7 show the date and amount of each qualifying
8 contribution and the full name and mailing address of
9 the person making the contribution. The candidate and
10 the candidate committee authorized by the candidate
11 shall transmit to the commission all reports with
12 respect to these contributions that the commission may
13 require.

14 (b) A person who is convicted for using or making false
15 statements or entries under section 710- shall be
16 disqualified from receiving public financing under this subpart
17 for a period of ten years from the date of conviction."

18 PART II

19 SECTION 4. Section 710-1072.5, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§710-1072.5 **Obstruction of justice.** (1) A person
2 commits the offense of obstruction of justice if the person
3 intentionally [~~engages in the following conduct~~]:

4 (a) When called as a witness and having been granted
5 immunity pursuant to chapters 480 and 621C, before or
6 after having been qualified as a witness, [~~shall~~
7 ~~refuse~~] refuses to testify or be qualified as a
8 witness when duly directed to testify or be qualified
9 as a witness[~~-~~]; or

10 (b) Influences; obstructs; impedes; or endeavors to
11 influence, obstruct, or impede, the due administration
12 of justice by means of force, threat of force,
13 coercion, fraud, or deception.

14 (2) Obstruction of justice is a class [C] B felony. A
15 person charged under this section, notwithstanding any law to
16 the contrary, shall not be eligible for a deferred acceptance of
17 guilty plea or nolo contendere plea under chapter 853."

18 SECTION 5. Section 853-4, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) This chapter shall not apply when:



- 1 (1) The offense charged involves the intentional, knowing,
2 reckless, or negligent killing of another person;
- 3 (2) The offense charged is:
- 4 (A) A felony that involves the intentional, knowing,
5 or reckless bodily injury, substantial bodily
6 injury, or serious bodily injury of another
7 person; or
- 8 (B) A misdemeanor or petty misdemeanor that carries a
9 mandatory minimum sentence and that involves the
10 intentional, knowing, or reckless bodily injury,
11 substantial bodily injury, or serious bodily
12 injury of another person;
- 13 provided that the prohibition in this paragraph shall
14 not apply to offenses described in section 709-
15 906(18);
- 16 (3) The offense charged involves a conspiracy or
17 solicitation to intentionally, knowingly, or
18 recklessly kill another person or to cause serious
19 bodily injury to another person;
- 20 (4) The offense charged is a class A felony;
- 21 (5) The offense charged is nonprobationable;



- 1 (6) The defendant has been convicted of any offense
- 2 defined as a felony by the Hawaii Penal Code or has
- 3 been convicted for any conduct that if perpetrated in
- 4 this State would be punishable as a felony;
- 5 (7) The defendant is found to be a law violator or
- 6 delinquent child for the commission of any offense
- 7 defined as a felony by the Hawaii Penal Code or for
- 8 any conduct that if perpetrated in this State would
- 9 constitute a felony;
- 10 (8) The defendant has a prior conviction for a felony
- 11 committed in any state, federal, or foreign
- 12 jurisdiction;
- 13 (9) A firearm was used in the commission of the offense
- 14 charged;
- 15 (10) The defendant is charged with the distribution of a
- 16 dangerous, harmful, or detrimental drug to a minor;
- 17 (11) The defendant has been charged with a felony offense
- 18 and has been previously granted deferred acceptance of
- 19 guilty plea or no contest plea for a prior offense,
- 20 regardless of whether the period of deferral has
- 21 already expired;



1 (12) The defendant has been charged with a misdemeanor
2 offense and has been previously granted deferred
3 acceptance of guilty plea or no contest plea for a
4 prior felony, misdemeanor, or petty misdemeanor for
5 which the period of deferral has not yet expired;

6 (13) The offense charged is:

7 (A) Habitually operating a vehicle under the
8 influence of an intoxicant under section
9 291E-61.5(a);

10 (B) A violation of an order issued pursuant to
11 chapter 586;

12 (C) Sexual assault in the second degree under section
13 707-731;

14 (D) Sexual assault in the third degree under section
15 707-732;

16 (E) Promoting child abuse in the second degree under
17 section 707-751;

18 (F) Promoting child abuse in the third degree under
19 section 707-752;

20 (G) Electronic enticement of a child in the first
21 degree under section 707-756;



- 1 (H) Electronic enticement of a child in the second
2 degree under section 707-757;
- 3 (I) Abuse of family or household member except as
4 provided in paragraph (2) and section
5 709-906(18);
- 6 [~~(A)~~] (J) Escape in the first degree[+] under section
7 710-1020;
- 8 [~~(B)~~] (K) Escape in the second degree[+] under section
9 710-1021;
- 10 [~~(C)~~] (L) Promoting prison contraband in the first
11 degree[+] under section 710-1022;
- 12 [~~(D)~~] (M) Promoting prison contraband in the second
13 degree[+] under section 710-1023;
- 14 [~~(E)~~] (N) Bail jumping in the first degree[+] under
15 section 710-1024;
- 16 [~~(F)~~] (O) Bail jumping in the second degree[+] under
17 section 710-1025;
- 18 [~~(G)~~] (P) Bribery[+] under section 710-1040;
- 19 [~~(H)~~] (Q) Bribery of or by a witness[+] under section
20 710-1070;



- 1 ~~[(I)]~~ (R) Intimidating a witness[+] under section
2 710-1071;
- 3 (S) Obstruction of justice under section 710-1072.5;
- 4 ~~[(J)]~~ (T) Bribery of or by a juror[+] under section
5 710-1073;
- 6 ~~[(K)]~~ (U) Intimidating a juror[+] under section
7 710-1074;
- 8 ~~[(L)]~~ (V) Jury tampering[+] under section 710-1075;
- 9 (W) Violation of privacy in the first degree under
10 section 711-1110.9;
- 11 (X) Violation of privacy in the second degree under
12 section 711-1111(1)(d), (e), (f), (g), or (h);
- 13 (Y) Commercial sexual exploitation under section
14 712-1200.5;
- 15 ~~[(M)]~~ (Z) Promoting prostitution[+] under section
16 712-1203;
- 17 ~~[(N)]~~ ~~Abuse of family or household member except as~~
18 ~~provided in paragraph (2) and section 709-~~
19 ~~906(18);~~
- 20 ~~(O) Sexual assault in the second degree;~~
- 21 ~~(P) Sexual assault in the third degree;~~



- 1 ~~(Q)~~ ~~A violation of an order issued pursuant to~~
- 2 ~~chapter 586;~~
- 3 ~~(R)~~ ~~Promoting child abuse in the second degree;~~
- 4 ~~(S)~~ ~~Promoting child abuse in the third degree;~~
- 5 ~~(T)~~ ~~Electronic enticement of a child in the first~~
- 6 ~~degree;~~
- 7 ~~(U)~~ ~~Electronic enticement of a child in the second~~
- 8 ~~degree;~~
- 9 ~~(V)~~ ~~Commercial sexual exploitation pursuant to~~
- 10 ~~section 712-1200.5;~~
- 11 ~~(W)~~ (AA) Street prostitution and commercial sexual
- 12 exploitation under section 712-1207(1)(b) or
- 13 (2)(b);
- 14 ~~(X)~~ (BB) Commercial sexual exploitation near schools
- 15 or public parks under section 712-1209;
- 16 ~~(Y)~~ (CC) Commercial sexual exploitation of a minor
- 17 under section 712-1209.1;
- 18 ~~(Z)~~ (DD) Habitual commercial sexual exploitation
- 19 under section 712-1209.5;
- 20 ~~(AA)~~ ~~Violation of privacy in the first degree under~~
- 21 ~~section 711-1110.9;~~



- 1 ~~(BB)~~ ~~Violation of privacy in the second degree under~~
2 ~~section 711-1111(1)(d), (e), (f), (g), or (h);~~
3 ~~(CC)~~ ~~Habitually operating a vehicle under the~~
4 ~~influence of an intoxicant under section 291E~~
5 ~~61.5(a);~~
6 ~~(DD)~~] (EE) Promoting gambling in the first degree[+]
7 under section 712-1221; or
8 [~~(EE)~~] (FF) Promoting gambling in the second degree[+]
9 under section 712-1222;

10 (14) The defendant has been charged with:

- 11 (A) Knowingly or intentionally falsifying any report
12 required under part XIII of chapter 11, with the
13 intent to circumvent the law or deceive the
14 campaign spending commission; or
15 (B) Violating section 11-352 or 11-353; or

16 (15) The defendant holds a commercial driver's license and
17 has been charged with violating a traffic control law,
18 other than a parking law, in connection with the
19 operation of any type of motor vehicle."

20

PART III



1 SECTION 6. 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 7. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 8. This Act shall take effect upon its approval;
7 provided that the amendments made to section 853-4, Hawaii
8 Revised Statutes, by section 5 of this Act shall not be repealed
9 when that section is reenacted on June 30, 2026, pursuant to
10 section 15 of Act 19, Session Laws of Hawaii 2020.

11



Report Title:

Commission to Improve Standards of Conduct; Penal Code; False Statements or Entries; Government; Disqualification; Public Financing; Conviction; Obstruction of Justice

Description:

Establishes 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. Disqualifies a person charged with using or making a false statement or entry from receiving public financing for elections for a period of ten years. Amends the offense of obstruction of justice. (HD1)

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

