
A BILL FOR AN ACT

RELATING TO STATES OF EMERGENCY.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Charitable fraud during a state of emergency.

5 (a) A person commits the offense of charitable fraud during a
6 state of emergency if, during a state of emergency declared by
7 the governor under section 127A-14(a), the person intentionally,
8 knowingly, or recklessly performs any of the following actions
9 in connection with a solicitation or acceptance of a
10 contribution to assist a disaster victim:

11 (1) The person uses any deceptive act or practice, false
12 pretense, false promise, or misrepresentation in
13 connection with the solicitation of a contribution;

14 (2) The person misrepresents, misleads, or omits
15 information concerning the intended uses of
16 contributions; or



1 (3) The person uses contributions in a manner other than
2 the specific purposes represented by the solicitor at
3 the time the contribution was solicited. A person
4 who:

5 (A) Solicits or accepts contributions;
6 (B) Claims or implies that the contributions
7 solicited or accepted will be used to provide aid
8 for disaster victims; and

9 (C) Does not use the contributions to provide aid to
10 the disaster victims described in subparagraph
11 (B),

12 shall be deemed to have committed the offense of
13 charitable fraud during a state of emergency.

14 (b) Charitable fraud during a state of emergency is a:

15 (1) Class B felony if the value of contributions obtained
16 or attempted to be obtained is \$20,000 or more;

17 (2) Class C felony if the value of contributions obtained
18 or attempted to be obtained is more than \$750 and less
19 than \$20,000; or

20 (3) Misdemeanor if the value of contributions obtained or
21 attempted to be obtained is \$750 or less.



1 (c) For purposes of this section:

2 "Contribution" includes money, credit or debit card
3 transactions, online payments, payments made through a third
4 party, goods, services, or anything else of value, whether
5 tangible or intangible.

6 "Disaster victim" means any person adversely affected by
7 the disaster or emergency that caused the governor to declare a
8 state of emergency.

9 "Solicit" or "solicitation" means a request directly or
10 indirectly for money, credit or debit card transactions, online
11 payments, payments made through a third party, goods, services,
12 or anything else of value, whether tangible or intangible on the
13 plea or misrepresentation that the money, credit or debit card
14 transactions, online payments, payments made through a third
15 party, goods, services, or anything else of value, whether
16 tangible or intangible, or any portion thereof, will be used for
17 disaster relief, to benefit the victims of a disaster, or go to
18 a charitable organization engaged in assisting the victims of a
19 disaster. A person "solicits", or a "solicitation" occurs,
20 whether or not the person making the solicitation receives any
21 contribution. These terms shall include the following:



- 1 (1) Any oral or written request, or request made by
2 electronic message, electronic mail, blog, post, or
3 any other form of electronic communications;
- 4 (2) The making of any announcement to any organization for
5 the purpose of further dissemination, including
6 announcements to the press, over the radio or
7 television, or by telephone, telegraph, internet,
8 social media, or facsimile, concerning an appeal or
9 campaign by or for disaster relief, to benefit the
10 victims of a disaster, or any charitable organization
11 engaged in assisting the victims of a disaster;
- 12 (3) The distribution, circulation, posting, or publishing
13 of any handbill, written advertisement, or other
14 publication that directly or by implication seeks to
15 obtain public support;
- 16 (4) Where the sale or offer or attempted sale, of any
17 advertisement, advertising space, book, card, tag,
18 coupon, device, magazine, membership, merchandise,
19 subscription, flower, ticket, candy, cookies, or other
20 tangible item in connection with which any appeal is
21 made for disaster relief, to benefit the victims of a



1 disaster, or any charitable organization engaged in
2 assisting the victims of a disaster; or where the name
3 of any disaster, victims of a disaster, or charitable
4 organization engaged in assisting the victims of a
5 disaster is used or referred to in any appeal as an
6 inducement or reason for making any sale; or where in
7 connection with any sale, any statement is made that
8 the whole or any part of the proceeds from any sale
9 will be used for disaster relief, to benefit the
10 victims of a disaster, or go to a charitable
11 organization engaged in assisting the victims of a
12 disaster; and

13 (5) A request made through the use of receptacles for
14 contributions such as honor boxes, vending machines,
15 wishing wells, contribution boxes, and novelty
16 machines, where a charitable appeal is used or
17 referred to or implied as an inducement or reason to
18 contribute."

19 SECTION 2. New statutory material is underscored.

20 SECTION 3. This Act shall take effect on April 14, 2112.



Report Title:

Emergency Management; States of Emergency; Charitable Fraud;
Prohibited

Description:

Establishes the offense of charitable fraud during a state of emergency. Provides that a person commits charitable fraud during a state of emergency if that person, during a state of emergency proclaimed by the Governor, performs certain deceptive acts or practices in connection with the solicitation of a contribution to assist persons affected by a disaster or emergency. Takes effect 4/14/2112. (SD2)

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