

STAND. COM. REP. NO. **2173**

Honolulu, Hawaii

FEB 07 2024

RE: S.B. No. 2693
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2693 entitled:

"A BILL FOR AN ACT RELATING TO STATES OF EMERGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the offense of charitable fraud during a state of emergency; and
- (2) Provide 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.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawaii Young Republicans, and one individual.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that natural disasters provide a place for fraudulent activity and fake philanthropies to proliferate.



Your Committee further finds that the United States Department of Justice issued a warning of potential fraudulent activity around donations and contributions masquerading as Maui fire relief. This measure will create avenues to prosecute charitable fraud and theft in the aftermath of emergencies.

Your Committee has amended this measure by:

- (1) Adding language that specifies the state of mind for the offense as intentionally, knowingly, or recklessly;
- (2) Removing language that would have required the person who uses any deceptive act or practice, false pretense, false promise, or misrepresentation in connection with the solicitation of a contribution to have the intent that others rely on it;
- (3) Removing language that would have limited contributions solicited to those providing direct aid; and
- (4) Adding a definition for "solicit" and "solicitation".

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2693, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2693, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety and
Intergovernmental and Military
Affairs,



GLENN WAKAI, Chair



