

JAN 20 2017

A BILL FOR AN ACT

RELATING TO CRIMINAL PROSECUTION UNDER CAMPAIGN FINANCE LAW.

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

1 SECTION 1. Section 11-412, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:
3 "(b) Any person who knowingly or intentionally falsifies
4 any report required by this part with the intent to circumvent
5 the law or deceive the commission or who violates section 11-352
6 or 11-353 shall be guilty of a class C felony. A person charged
7 with a class C felony shall not be eligible for a deferred
8 acceptance of guilty plea or nolo contendere plea under chapter
9 853. The applicable period of limitation for a prosecution
10 under this subsection shall not commence until the discovery of
11 the offense by the commission."

12 SECTION 2. Section 701-108, Hawaii Revised Statutes, is
13 amended by amending subsection (2) to read as follows:

14 "(2) Except as otherwise provided [~~in this section,~~] by
15 law, prosecutions for other offenses are subject to the
16 following periods of limitation:



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- 1 (a) A prosecution for manslaughter where the death was not
2 caused by the operation of a motor vehicle must be
3 commenced within ten years after it is committed;
- 4 (b) A prosecution for a class A felony must be commenced
5 within six years after it is committed;
- 6 (c) A prosecution for any felony under part IX of chapter
7 708 must be commenced within five years after it is
8 committed;
- 9 (d) A prosecution for any other felony must be commenced
10 within three years after it is committed; provided
11 that the period of limitation for a prosecution under
12 section 11-412 shall commence pursuant to that
13 section;
- 14 (e) A prosecution for a misdemeanor or parking violation
15 must be commenced within two years after it is
16 committed; and
- 17 (f) A prosecution for a petty misdemeanor or a violation
18 other than a parking violation must be commenced
19 within one year after it is committed."



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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 Statutory material to be repealed is bracketed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: *AMN. W.*
By Request



S.B. NO. 442

Report Title:

Campaign Spending Commission Package; Criminal Prosecution;
Period of Limitation

Description:

Provides that the period of limitation for a prosecution under section 11-412(b) (falsifying campaign spending report) shall commence upon discovery of the alleged offense by the campaign spending commission.

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

