
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

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

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.



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

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct relating to using or making false statements or entries
12 in matters within the jurisdiction of the executive,
13 legislative, or judicial branch of the State, or any county.
14 This Act is patterned after the federal "false statements"
15 statute, title 18 United States Code section 1001, and
16 therefore, the courts of the State and counsel should look to
17 federal caselaw and precedent for direction.

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



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1 "§710- Using or making false statements or entries;
2 generally. (1) Except as otherwise provided in this section, a
3 person commits the offense of using or making false statements
4 or entries if, in any matter within the jurisdiction of the
5 executive, legislative, or judicial branch of the State, or any
6 county, the person knowingly and wilfully:

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

9 (b) Makes any materially false, fictitious, or fraudulent
10 statement or representation; or

11 (c) Makes or uses any false writing or document knowing
12 the writing or document contains any materially false,
13 fictitious, or fraudulent statement or entry.

14 (2) Using or making false statements or entries is a class
15 C felony. A person convicted of violating this section shall
16 not be eligible for a deferred acceptance of guilty plea or nolo
17 contendere plea under chapter 853.

18 (3) Subsection (1) shall not apply to a party to a
19 judicial proceeding, or that party's counsel, for statements,
20 representations, writings, or documents submitted by the party
21 or counsel to a judge or magistrate in that proceeding.



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1 (4) With respect to any matter within the jurisdiction of
2 the legislature, subsection (1) shall apply only to:

3 (a) Administrative matters, including:

4 (i) A claim for payment;

5 (ii) A matter related to the procurement of property
6 or services;

7 (iii) Personnel or employment practices;

8 (iv) Support services; or

9 (v) A document required by law, rule, or regulation
10 to be submitted to the legislature or any office
11 or officer within the legislature; or

12 (b) Any investigation or review conducted pursuant to the
13 authority of any committee, subcommittee, commission,
14 or office of the legislature, consistent with
15 applicable rules of the senate or house of
16 representatives."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: _____



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Report Title:

Commission to Improve Standards of Conduct; Penal Code; False Statements or Entries; Executive, Legislative, and Judicial Branches; Counties

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.

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

