

STAND. COM. REP. NO. 817

Honolulu, Hawaii
MAR 02 , 2023

RE: H.B. No. 710
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 710 entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish 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; and
- (2) Disqualify a person convicted of using or making false statements or entries from holding elected public office for a period of ten years.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Campaign Spending Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, Democratic Party of Hawai'i, Pono Hawaii Initiative, and four individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Commission to Improve Standards of Conduct and one individual.

2023-2012 HB710 HD1 HSCR HMSO



Your Committee finds that this measure implements one of the recommendations made by the Commission to Improve Standards of Conduct established pursuant to House Resolution No. 9, Regular Session of 2022. If enacted, this measure would increase public trust in state government and the accountability of individuals.

Your Committee has amended this measure by:

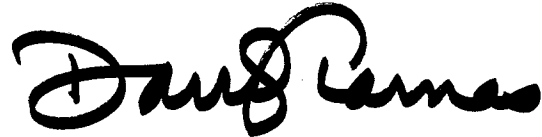
- (1) Changing the requisite state of mind for the offense of using or making false statements or entries to intentionally or knowingly;
- (2) Allowing a person charged for the offense of using or making false statements or entries to be eligible for a deferred acceptance of guilty plea or nolo contendere plea, rather than requiring the person to be convicted;
- (3) Deleting language that would have disqualified a person convicted of using or making false statements or entries from holding elected office for ten years, and instead disqualifying the person from receiving public financing for elections for a period of ten years;
- (4) Amending the offense of obstruction of justice to:
 - (A) Include influencing, obstructing, impeding, or endeavoring to influence, obstruct, or impede the due administration of justice by means of force, threat of force, coercion, fraud, or deception;
 - (B) Increase the penalty to a class B felony; and
 - (C) Provide that a person convicted of obstruction of justice is not eligible for a deferred acceptance of guilty plea or nolo contendere plea; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 710, as amended herein, and recommends that it pass



Second Reading in the form attached hereto as H.B. No. 710, H.D. 1, and be placed on the calendar for Third Reading.

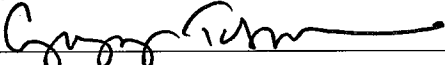
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 710	Committee Referral: JHA	Date: 2/22/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny		✓		
4. HOLT, Daniel				✓
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru				✓
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	7	1	-	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				