

JAN 18 2024

A BILL FOR AN ACT

RELATING TO FRAUDULENT ACTIVITY.

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

1 SECTION 1. Act 131, Session Laws of Hawaii 2023, is
2 amended by amending sections 2 and 3 to read as follows:

3 "SECTION 2. Chapter 708, Hawaii Revised Statutes, is
4 amended by adding a new section to part IV to be appropriately
5 designated and to read as follows:

6 "§708- Fraud. (1) A person commits the offense of
7 fraud if, with the intent to defraud, the person executes or
8 attempts to execute any scheme or artifice to defraud or for the
9 purpose of obtaining money or property by means of false or
10 fraudulent pretenses, representations, or promises.

11 (2) For purposes of this section, "scheme or artifice to
12 defraud" includes a scheme or artifice to deprive another of the
13 intangible right of honest services.

14 (3) Fraud shall be a class B felony[-], without
15 possibility of probation or suspension of sentence."



1 SECTION 3. Chapter 710, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§710- Making a false, fictitious, or fraudulent claim.

5 (1) A person commits the offense of making a false, fictitious,
6 or fraudulent claim against the State or a county if the person
7 makes or presents to any agent of the State, counties, or any
8 department or agency thereof any claim upon or against the
9 State, county, department, or agency that the person knows to be
10 false, fictitious, or fraudulent.

11 (2) Making a false, fictitious, or fraudulent claim
12 against the State or a county shall be a class C felony[-],
13 without possibility of probation or suspension of sentence.

14 §710- Use of false statements or entries; generally.

15 (1) Except as otherwise provided in this section, a person
16 commits the offense of use of false statements or entries if, in
17 any matter within the jurisdiction of the executive,
18 legislative, or judicial branch of the State, the person
19 intentionally or knowingly:

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



1 (b) Makes any materially false, fictitious, or fraudulent
2 statement or representation;

3 (c) Makes any false writing or document knowing the
4 writing or document contains any materially false,
5 fictitious, or fraudulent statement or entry; or

6 (d) Uses any false writing or document knowing the writing
7 or document contains any materially false, fictitious,
8 or fraudulent statement or entry for the purpose of
9 presenting any statement or entry as true or for the
10 purpose of substantiating any conclusion that is made
11 more likely by any statement or entry.

12 (2) Subsection (1) shall not apply to a party to a
13 judicial proceeding, or that party's counsel, for statements,
14 representations, writings, or documents submitted by the party
15 or counsel to a judge or magistrate in the proceeding.

16 (3) With respect to any matter within the jurisdiction of
17 the legislature, subsection (1) shall apply only to:

18 (a) Administrative matters, including:

19 (i) A claim for payment;

20 (ii) A matter related to the procurement of property
21 or services;



- 1 (iii) Personnel or employment practices;
- 2 (iv) Support services; or
- 3 (v) A document required by law or rule to be
- 4 submitted to the legislature or any office or
- 5 officer within the legislature; or
- 6 (b) Any investigation or review conducted pursuant to the
- 7 authority of any committee, subcommittee, commission,
- 8 or office of the legislature, consistent with
- 9 applicable rules of the senate or house of
- 10 representatives.
- 11 (4) Use of false statements or entries shall be a class C
- 12 felony[-], without possibility of probation or suspension of
- 13 sentence." "

14 SECTION 2. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.



S.B. NO. 2196

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Offenses; Fraud;
False Claims; False Statements

Description:

Removes the possibility of probation or suspension of sentence
for the offenses of fraud, false claims, and false statements.

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

