STAND. COM. REP. NO.

onolulu Hawaii

Honolulu, Hawaii

, 2023

MAR 02

RE: H.B. No. 711 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. 711 entitled:

"A BILL FOR AN ACT RELATING TO FRAUD,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a general fraud statute that is intended to cover schemes or artifices to defraud or to obtain money or property by means of false or fraudulent pretenses, representations, or promises; and
- (2) Disqualify a person convicted of fraud from holding elected 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, Pono Hawaii Initiative, Democratic Party of Hawaii, and six 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.

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. This measure, which is modeled after federal fraud statutes, would establish a broad criminal offense for fraud at the state level.

Your Committee has amended this measure by:

- (1) Deleting language that would have imposed a mandatory minimum term of imprisonment of one year, without the possibility of probation, for persons convicted of fraud;
- (2) Allowing a person charged for the offense of fraud to be eligible for a deferred acceptance of guilty plea or nolo contendere plea;
- (3) Deleting language that would have disqualified a person convicted of fraud from holding elected office for ten years, and instead disqualifying the person from receiving public financing for elections for a period of ten years; and
- (4) 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. 711, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 711, 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,

DangCamas

DAVID A. TARNAS, Chair

## State of Hawaii House of Representatives The Thirty-second Legislature

## HSCR 819

## Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 711	Committee Referral:		2/22/20	<b>13</b>
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WI	R) Nays	Excused
1. TARNAS, David A. (C)			C. H. C. There are a second and a second and a second are a second and a second are a second and a second are a	
2. TAKAYAMA, Gregg (VC)				
2 CANADEN Sonny				
3. GANADEN, Sonny				
4. HOLT, Daniel	the contract of the state of th			_
5. HASHIMOTO, Troy N.				
6. ICHIYAMA, Linda			-	
7. ILAGAN, Greggor		15. 19.49		
7. ILAGAN, Greggor				
8. KONG, Sam Satoru				<b>-</b>
9. MIZUNO, John M.				MARIONE IZO NESE
10. SOUZA, Kanani				at .
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TOTAL (10)	1	1		2_
The recommendation is: Adop	pted	<u>,</u>		
If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				