STAND. COM. REP. NO. 2173

Honolulu, Hawaii

FEB 0 7 2024

RE: S.B. No. 2693 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Public Safety and Intergovernmental and Military Affairs, to which was referred S.B. No. 2693 entitled:

"A BILL FOR AN ACT RELATING TO STATES OF EMERGENCY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- Establish the offense of charitable fraud during a state of emergency; and
- (2) Provide that a person commits charitable fraud during a state of emergency if that person, during a state of emergency proclaimed by the Governor, performs certain deceptive acts or practices in connection with the solicitation of a contribution to assist persons affected by a disaster or emergency.

Your Committee received testimony in support of this measure from the Honolulu Police Department, Hawaii Young Republicans, and one individual.

Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that natural disasters provide a place for fraudulent activity and fake philanthropies to proliferate.



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Your Committee further finds that the United States Department of Justice issued a warning of potential fraudulent activity around donations and contributions masquerading as Maui fire relief. This measure will create avenues to prosecute charitable fraud and theft in the aftermath of emergencies.

Your Committee has amended this measure by:

- (1) Adding language that specifies the state of mind for the offense as intentionally, knowingly, or recklessly;
- (2) Removing language that would have required the person who uses any deceptive act or practice, false pretense, false promise, or misrepresentation in connection with the solicitation of a contribution to have the intent that others rely on it;
- (3) Removing language that would have limited contributions solicited to those providing direct aid; and
- (4) Adding a definition for "solicit" and "solicitation".

As affirmed by the record of votes of the members of your Committee on Public Safety and Intergovernmental and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2693, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2693, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Public Safety and Intergovernmental and Military Affairs,

GLENN WAKA Cha



The Senate Thirty-Second Legislature State of Hawaiʻi

Record of Votes Committee on Public Safety and Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral:		Dat	Date:	
SB2693	PSM, JDC			1/31/24	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)		V			
ELEFANTE, Brandon J.C. (VC)		V			
FUKUNAGA, Carol		V			
RHOADS, Karl		V.	WW B)	
AWA, Brenton		\checkmark	E		
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TOTAL		5	$ \mathcal{Q} $	\mathcal{O}	φ
Recommendation:					
Chair's or Designee's Signature:					
A PR					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

*Only one measure per Record of Votes