
A BILL FOR AN ACT

RELATING TO STATES OF EMERGENCY.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Charitable fraud during a state of emergency.

5 (a) A person commits the offense of charitable fraud during a
6 state of emergency if, during a state of emergency declared by
7 the governor under section 127A-14(a), the person intentionally,
8 knowingly, or recklessly performs any of the following actions
9 in connection with a solicitation or acceptance of a
10 contribution to assist a disaster victim:

11 (1) The person uses any deceptive act or practice, false
12 pretense, false promise, or misrepresentation in
13 connection with the solicitation of a contribution;

14 (2) The person misrepresents, misleads, or omits
15 information concerning the intended uses of
16 contributions; or



1 (3) The person uses contributions in a manner other than
2 the specific purposes represented by the solicitor at
3 the time the contribution was solicited.

4 (b) Charitable fraud during a state of emergency is a:

5 (1) Class B felony if the value of contributions obtained
6 or attempted to be obtained is \$20,000 or more;

7 (2) Class C felony if the value of contributions obtained
8 or attempted to be obtained is more than \$750 and less
9 than \$20,000; or

10 (3) Misdemeanor if the value of contributions obtained or
11 attempted to be obtained is \$750 or less.

12 (c) For purposes of this section:

13 "Contribution" includes money, credit or debit card
14 transactions, online payments, payments made through a third
15 party, goods, services, or anything else of value, whether
16 tangible or intangible.

17 "Disaster victim" means any person adversely affected by
18 the disaster or emergency that caused the governor to declare a
19 state of emergency.

20 "Solicit" or "solicitation" means a request directly or
21 indirectly for contributions on the plea or misrepresentation



1 that the contributions, or any portion thereof, will be used for
2 disaster relief, be used to benefit disaster victims, or go to a
3 charitable organization engaged in assisting disaster victims.

4 A person "solicits", or a "solicitation" occurs, regardless of
5 whether the person making the solicitation receives any
6 contribution. "Solicit" or "solicitation" includes the
7 following:

- 8 (1) Any oral or written request, or request made by
9 electronic message, electronic mail, blog, post, or
10 any other form of electronic communications;
- 11 (2) The making of any announcement to any organization for
12 the purpose of further dissemination, including
13 announcements to the press, over the radio or
14 television, or by telephone, telegraph, the Internet,
15 social media, or facsimile, concerning an appeal or
16 campaign by or for disaster relief, to benefit
17 disaster victims, or any charitable organization
18 engaged in assisting disaster victims;
- 19 (3) The distribution, circulation, posting, or publishing
20 of any handbill, written advertisement, or other



1 publication that directly or by implication seeks to
2 obtain public support;

3 (4) Where the sale, or offer or attempted sale, of any
4 advertisement, advertising space, book, card, tag,
5 coupon, device, magazine, membership, merchandise,
6 subscription, flower, ticket, candy, cookies, or other
7 tangible item in connection with which any appeal is
8 made for disaster relief, to benefit disaster victims,
9 or any charitable organization engaged in assisting
10 disaster victims; or where the name of any disaster,
11 disaster victims, or charitable organization engaged
12 in assisting disaster victims is used or referred to
13 in any appeal as an inducement or reason for making
14 any sale; or where in connection with any sale, any
15 statement is made that the whole or any part of the
16 proceeds from any sale will be used for disaster
17 relief, to benefit disaster victims, or go to a
18 charitable organization engaged in assisting disaster
19 victims; and

20 (5) A request made through the use of receptacles for
21 contributions such as honor boxes, vending machines,



1 wishing wells, contribution boxes, and novelty
2 machines, where a charitable appeal is used or
3 referred to or implied as an inducement or reason to
4 contribute."

5 SECTION 2. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Emergency Management; States of Emergency; Charitable Fraud;
Prohibited

Description:

Establishes the offense of charitable fraud during a state of emergency. Provides 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. (CD1)

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