

A Bill for an Act Relating to Crime.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 708-872, Hawaii Revised Statutes, is amended to read as follows:

**“§708-872 Falsifying business records.** (1) A person commits the offense of falsifying business records if, with intent to defraud, the person:

- (a) Makes or causes a false entry in the business records of an enterprise; ~~or~~
- (b) Alters, erases, obliterates, deletes, removes, or destroys a true entry in the business records of an enterprise; ~~or~~
- (c) Omits to make a true entry in the business records of an enterprise in violation of a duty to do so which the person knows to be imposed upon the person by law, other than for the information of the government, or by the nature of the person's position; or
- (d) Prevents the making of a true entry or causes the omission thereof in the business records of an enterprise.

~~[(2) “Enterprise” means any entity of one or more persons, corporate or otherwise, engaged in business, commercial, professional, industrial, eleemosynary, or social activity.~~

~~[(3)] (2) For purposes of this section:~~

~~“Business record” means any [writing or article] record kept or maintained by an enterprise for the purpose of evidencing or reflecting its condition or activity.~~

~~“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.~~

~~“Enterprise” means any entity of one or more persons, corporate or otherwise, engaged in business, commercial, professional, industrial, eleemosynary, or social activity.~~

~~“Information” includes data, text, images, sounds, codes, computer programs, software, or databases.~~

~~“Record” means information that is written or printed, or that is stored in an electronic or other medium and is retrievable in a perceivable form.~~

~~[(4)] (3) Falsifying business records is a misdemeanor.”~~

SECTION 2. Section 710-1000, Hawaii Revised Statutes, is amended by adding six new definitions to be appropriately inserted and to read as follows:

“Electronic” means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

“Falsely alter” means to change, without the authority of the ostensible maker or authorized custodian of the record, a statement, document, or record, whether complete or incomplete, by means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner, so that the statement, document, or record so altered falsely appears or purports to be in all respects an authentic creation of its ostensible maker, or authorized by the maker or custodian of the record.

“Falsely complete” means to transform, by adding, inserting, or changing matter, an incomplete statement, document, or record into a complete one, without the authority of the ostensible maker or authorized custodian of the record, so that the complete statement, document, or record falsely appears or purports

to be in all respects an authentic creation of its ostensible maker, or authorized by the maker or custodian of the record.

“Falsely make” means to create a statement, document, or record, which purports to be an authentic creation of its ostensible maker, but that is not because the ostensible maker is fictitious or because, if real, the ostensible maker did not authorize the creation thereof.

“Information” includes data, text, images, sounds, codes, computer programs, software, or databases.

“Record” means information that is written or printed, or that is stored in an electronic or other medium and is retrievable in a perceivable form.”

SECTION 3. Section 710-1016.3, Hawaii Revised Statutes, is amended to read as follows:

**“~~§710-1016.3~~ Obtaining a government-issued identification document under false pretenses in the first degree.** (1) A person commits the offense of obtaining a government-issued identification document under false pretenses in the first degree if that person, with intent to mislead a public servant and intent to facilitate a felony, obtains an identification document issued by the State or any political subdivision thereof by:

- (a) Making any statement, oral or ~~written,~~ in written, printed, or electronic form, that the person does not believe to be true, in an application for any identification document issued by the State or any political subdivision thereof; or
  - (b) Submitting or inviting reliance on any ~~writing~~ statement, document, or record, in written, printed, or electronic form, that the person knows to be falsely made, completed, or altered.
- (2) Obtaining a government-issued identification document under false pretenses in the first degree is a class C felony.”

SECTION 4. Section 710-1016.4, Hawaii Revised Statutes, is amended to read as follows:

**“~~§710-1016.4~~ Obtaining a government-issued identification document under false pretenses in the second degree.** (1) A person commits the offense of obtaining a government-issued identification document under false pretenses in the second degree if that person, with intent to mislead a public servant, obtains an identification document issued by the State or any political subdivision thereof by:

- (a) Making any statement, oral or ~~written,~~ in written, printed, or electronic form, that the person does not believe to be true, in an application for any identification document issued by the State or any political subdivision thereof; or
  - (b) Submitting or inviting reliance on any ~~writing~~ statement, document, or record, in written, printed, or electronic form, that the person knows to be falsely made, completed, or altered.
- (2) Obtaining a government-issued identification document under false pretenses in the second degree is a misdemeanor.”

SECTION 5. Section 710-1017, Hawaii Revised Statutes, is amended to read as follows:

**“§710-1017 Tampering with a government record.** (1) A person commits the offense of tampering with a government record if:

- (a) The person, acting knowingly [~~and~~], falsely makes[~~;~~] a purported government record, or falsely completes[~~;~~] or alters, or [~~knowingly makes a false~~] falsely makes an entry in, a [~~written instrument which is or purports to be a~~] government record or a true copy thereof; or
  - (b) The person knowingly presents or uses a [~~written instrument which is or purports to be a~~] government record or a purported government record, or a true copy thereof, knowing that it has been falsely made, completed, or altered, or that a false entry has been made therein, with intent that it be taken as genuine; or
  - (c) The person knowingly records, registers, or files, or offers for recordation, registration, or filing, in a governmental office or agency, a [~~written~~] statement, document, or record, in written, printed, or electronic form, which has been falsely made, completed, or altered, or in which a false entry has been made, or which contains a false statement or false information; or
  - (d) Knowing the person lacks the authority to do so:
    - (i) The person intentionally destroys, mutilates, conceals, removes, or otherwise impairs the availability of any government records; or
    - (ii) The person refuses to deliver up a government record in the person's possession upon proper request of a public servant entitled to receive such record for examination or other purposes.
- (2) For the purpose of this section, "government record" [~~includes all official books, papers, written instruments, or~~] means all records created, issued, received, or kept by any governmental office or agency or required by law to be kept by others for the information of the government.
- (3) Tampering with government records is a misdemeanor."

SECTION 6. Section 710-1063, Hawaii Revised Statutes, is amended to read as follows:

**"§710-1063 Unsworn falsification to authorities.** (1) A person commits the offense of unsworn falsification to authorities if, with an intent to mislead a public servant in the performance of the public servant's duty, the person:

- (a) Makes any [~~written~~] statement, in written, printed, or electronic form, which the person does not believe to be true, in an application for any pecuniary or other benefit or in a record or report required by law to be submitted to any governmental agency;
  - (b) Submits or invites reliance on any [~~writing~~] statement, document, or record, in written, printed, or electronic form, which the person knows to be falsely made, completed, or altered; or
  - (c) Submits or invites reliance on any sample, specimen, map, boundary-mark, or other object the person knows to be false.
- (2) Unsworn falsification to authorities is a misdemeanor."

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before the effective date of this Act.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved April 23, 2014.)