

JAN 16 2014

A BILL FOR AN ACT

RELATING TO FRAUDULENT OR OTHERWISE IMPROPER FINANCING
STATEMENTS.

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

1 SECTION 1. This legislature recognizes that in recent
2 years the Federal Bureau of Investigations have seen an uptake
3 of fraudulent filings of financial statements and liens on the
4 property of elected officials and others in various counties and
5 states across the country for the purposes of harassment and
6 intimidation. The legislature recognizes that the perpetrators
7 of these acts in most cases do not receive a financial gain
8 thereby making it more difficult to prove fraud and provide
9 protections. The legislature also recognizes that in many cases
10 it is a long and expensive process to remove invalid liens from
11 property records, and that fraudulent acts removing valid liens
12 from property are creating problems and causing great expense to
13 purchasers and title companies in real property transactions.
14 Therefore, it is the intention of this legislature to protect
15 elected officials, judicial appointees and the people by making
16 it an offence to file a fraudulent or improper financing
17 statement.



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

4 "§708- FILING FRAUDULENT OR OTHERWISE IMPROPER FINANCING

5 STATEMENTS. (1) A person commits the offense of filing
6 fraudulent or otherwise improper financing statements if in the
7 course of filing a lien, release of lien or mortgage, or other
8 document with the Registrar of Deeds knowingly or recklessly
9 causes to be presented for filing or promotes the filing of a
10 record that:

11 (a) Is not related to a valid lien or security
12 agreement; or

13 (b) Is not filed pursuant to sections 490:9-502(d);
14 or

15 (c) Contains a forged signature or is based upon a
16 document containing a forged signature; or

17 (d) Presents for filing or causes to be presented for
18 filing a record with the intent that it be used to
19 harass or defraud any person;

20 (2) Penalties.(a) Except as provided in paragraph (2)(b), any
21 person who commits the offense of filing fraudulent or otherwise



1 improper financing statements, shall be guilty of a class C
2 felony.

3 (b) Any person who commits the offense of filing
4 fraudulent or otherwise improper financing statements,
5 shall be guilty of a class B felony, if the person:

6 (i) Commits the offense with intent to influence or
7 otherwise tamper with a juror or a judicial proceeding
8 or with intent to retaliate against:

9 (A) A judge, commissioner, referee, arbitrator, or
10 any other person appointed by a judge or court to
11 hear or determine a cause or controversy;

12 (B) A prosecutor, defense attorney, or officer of
13 the court, because of that person's performance of
14 official duties in connection with a judicial
15 proceeding;

16 (C) A sheriff or deputy sheriff because of that
17 person's performance of official duties in
18 connection with a sheriff's sale of real property;
19 or



1 (D) A county recorder because of that person's
2 performance of official duties in connection with
3 the filing of liens placed on real property; or

4 (E) A legislative officer or an elected official
5 because of that person's performance of official
6 duties; or

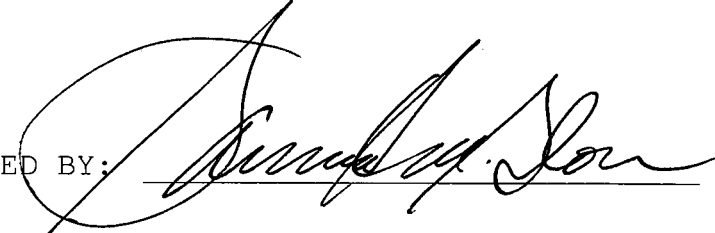
7 (1) Commits the offense after having been previously
8 convicted of a violation of this section.


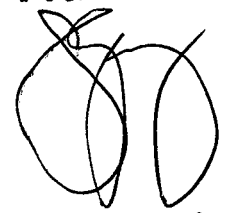
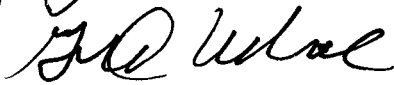
9 (3) Venue. A violation of this section may be prosecuted in
10 either the county of residence of the individual listed as
11 debtor or the county in which the filing is made."

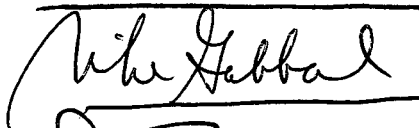
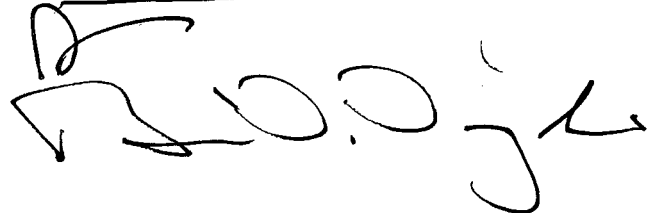
12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.

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15

INTRODUCED BY: 

Shiranne Chun Oakland





S.B. NO. 2148

Report Title:

Fraudulent or improper financing statements; penalties

Description:

Makes it an offense to file a fraudulent or otherwise improper financing statement. Provides for punishment and penalties for fraudulent filings on real and personal property in retaliation against, or for intimidation of, officers of counties and states for their official actions; and for fraudulent filings for retaliation, intimidation or harassment of individuals and employers. Provides sufficient deterrent for fraudulent filings on real or personal property.

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

