

STAND. COM. REP. NO. 617

Honolulu, Hawaii

MAR 02 2017

RE: S.B. No. 442
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 442 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROSECUTION UNDER
CAMPAIGN FINANCE LAW,"

begs leave to report as follows:

The purpose and intent of this measure is to provide that the
period of limitation for a prosecution under the law relating to
falsifying a campaign spending report shall commence upon
discovery of the alleged offense by the Campaign Spending
Commission.

Your Committee received testimony in support of this measure
from the Campaign Spending Commission and one individual. Your
Committee received testimony in opposition to this measure from
one individual.

Your Committee finds that, in general, prosecution of crimes
involving fraud or deception begins after the discovery of the
offense by an aggrieved party and the Campaign Spending Commission
has completed an investigation and referred the case to the
prosecutors. This measure begins the period of limitation for a
prosecution of falsifying campaign spending report upon the
discovery of the alleged offense by the Campaign Spending
Commission, rather than upon commission of the crime.



Your Committee has amended this measure by:

- (1) Specifying that the period of limitation for a prosecution of falsifying a campaign spending report shall commence pursuant to section 11-412(b), rather than section 11-412, Hawaii Revised Statutes; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 442, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 442, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 442	JDL	2/21/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Karl Rhoads</i>				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes