
A BILL FOR AN ACT

RELATING TO LOBBYISTS.

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

1 SECTION 1. The legislature finds that the mens rea
2 requirement to prove a violation of the lobbyists law, section
3 97-7, Hawaii Revised Statutes, is no longer appropriate, given
4 that the failure to file a statement or report with the state
5 ethics commission is no longer a criminal offense.

6 Accordingly, the purpose of this Act is to remove statutory
7 remnants from when violations of the lobbyists law resulted in
8 criminal penalties. This Act also clarifies that the state
9 ethics commission may assess an administrative fine pursuant to
10 a settlement agreement.

11 SECTION 2. Section 97-7, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "§97-7 Penalties; administrative fines. (a) Any person
14 who:

15 (1) ~~[Wilfully fails]~~ Fails to file any statement or report
16 required by this chapter;



(2) ~~[Wilfully files]~~ Files a statement or report containing false information or material omission of any fact;

(3) Engages in activities prohibited by section 97-5; or

(4) Fails to provide information required by section 97-2 or 97-3;

shall be subject to an administrative fine imposed by the state ethics commission that shall not exceed \$1,000 for each violation of this chapter. All fines collected under this section shall be deposited into the general fund.

(b) No fine shall be assessed unless:

(1) The commission convenes a hearing in accordance with section 97-6(c) and chapter 91[+] and a decision has been rendered by the commission; or

(2) ~~[A decision has been rendered by the commission.]~~ The commission and the alleged violator agree to resolve any alleged violation prior to completion of the contested case process and the resolution includes payment of an administrative fine, restitution, or both."



1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on January 1, 2050.



Report Title:

State Ethics Commission; Lobbyists; Administrative Fines;
Settlement Agreement

Description:

Amends the Lobbyists Law to eliminate outdated references to criminal violations and to clarify that the State Ethics Commission may require payment of an administrative fine or restitution pursuant to a settlement agreement. (HB1854 HD1)

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