

KRISTIN E. IZUMI-NITAO
EXECUTIVE DIRECTOR



PHONE: (808) 586-0285
FAX: (808) 586-0288
WWW.HAWAII.GOV/CAMPAIGN

**STATE OF HAWAII
CAMPAIGN SPENDING COMMISSION**

235 SOUTH BERETANIA STREET, ROOM 300
HONOLULU, HAWAII 96813

February 16, 2017

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

The Honorable Karl Rhoads, Vice Chair
Senate Committee on Judiciary and Labor

Members of the Senate Committee on Judiciary and Labor

FROM: Kristin Izumi-Nitao, Executive Director *KIN*
Campaign Spending Commission

SUBJECT: **Testimony on S.B. No. 442, Relating to Criminal Prosecution under
Campaign Finance Law**

Tuesday, February 21, 2017
9:00 a.m., Conference Room 016

Thank you for the opportunity to testify on this bill.¹ The Campaign Spending Commission (“Commission”) supports this measure.

This bill amends Hawaii Revised Statutes (“HRS”) §11-412(b) and §701-108(2)(d) by providing that the period of limitations for prosecution of a class C felony under the Campaign Finance Law begins to run from the date the Commission discovers the violation. This is appropriate since the period of limitations for the prosecution of crimes involving fraud or deception, in general, begins after discovery of the offense by an aggrieved party. HRS §701-108(3)(a).

¹ The companion bill is H.B. 285

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: *Submitted testimony for SB442 on Feb 21, 2017 09:00AM*
Date: Thursday, February 16, 2017 7:03:24 AM

SB442

Submitted on: 2/16/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Barry	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB442 on Feb 21, 2017 09:00AM
Date: Thursday, February 16, 2017 1:51:02 PM

SB442

Submitted on: 2/16/2017

Testimony for JDL on Feb 21, 2017 09:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Bryn Villers	Individual	Oppose	No

Comments: This would seem to constitute unequal treatment under the law. Even manslaughter has a statute of limitations of 10 years. Under this revision, it would be theoretically possible to prosecute an individual 20, 30, 50 years after the fact. I recommend the committee revise the bill to have the statute of limitations commence one the final day of the individual holding the office to which they were elected or have a 10 year cap. Either of these seems more than sufficient and would prevent the prosecution of such a crime from being used as a political tool rather than towards the ends of justice as it ought to be.

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