
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 lobbyist 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. Accordingly,
6 the purpose of this Act is to:

7 (1) Remove statutory remnants from when violations of the
8 lobbyist law resulted in criminal penalties; and

9 (2) Allow the state ethics commission to assess an
10 administrative fine pursuant to a settlement
11 agreement.

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

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

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



1 (2) ~~[Wilfully files]~~ Files a statement or report
2 containing false information or material omission of
3 any fact;
4 (3) Engages in activities prohibited by section 97-5; or
5 (4) Fails to provide information required by section 97-2
6 or 97-3;
7 shall be subject to an administrative fine imposed by the state
8 ethics commission that shall not exceed \$1,000 for each
9 violation of this chapter. All fines collected under this
10 section shall be deposited into the general fund.

11 (b) No fine shall be assessed unless[+] the state ethics
12 commission:

13 (1) ~~[The commission convenes]~~ Convenes a hearing in
14 accordance with section 97-6(c) and chapter 91[+] and
15 renders a decision; or

16 (2) ~~[A decision has been rendered by the commission.]~~
17 Together with the alleged violator, agrees to resolve
18 any alleged violation prior to completion of the
19 contested case process, provided that the resolution
20 includes payment of an administrative fine or
21 restitution, or both."

H.B. NO. 171

Report Title:

State Ethics Commission Package; Lobbyists; Fines

Description:

Removes statutory remnants from when violations of the lobbyist law resulted in criminal penalties. Allows the state ethics commission to assess an administrative fine pursuant to a settlement agreement.

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