
A BILL FOR AN ACT

RELATING TO FALSE CLAIMS.

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

1 SECTION 1. The legislature finds that the house of
2 representatives adopted House Resolution No. 9 (2022) to
3 establish the commission to improve standards of conduct. The
4 resolution requests the commission ensure state laws and rules
5 relating to standards of conduct of public officers and
6 employees contain clear standards, enforcement, and penalties
7 and provide recommendations to increase awareness of, compliance
8 with, and deterrent effects of the code of ethics, lobbying
9 laws, campaign finance laws, and other relevant laws and rules.

10 Pursuant to House Resolution No. 9, the commission to
11 improve standards of conduct convened regularly throughout 2022
12 to diligently review, discuss, and consider the issues
13 presented, submitted an interim report to the house of
14 representatives outlining areas of immediate and long-term
15 focus, then continued its work with input from the public and
16 invited individuals and agencies to issue a final report with
17 various recommendations and accompanying proposed legislation.

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1 The legislature also finds that the strength and stability
2 of our democratic government rely upon the public's trust in
3 government institutions, including the expectation that officers
4 act ethically with prudence, integrity, and sound judgement.
5 Therefore, an essential goal of the commission was to provide
6 recommendations that would help restore public trust in state
7 government and increase the level of transparency in its
8 operations and accountability of individuals.

9 Accordingly, the purpose of this Act is to implement
10 recommendations of the commission to improve standards of
11 conduct relating to combatting fraud, waste, and corruption by
12 establishing the offense of making a false, frivolous, or
13 fraudulent claim against the State or a county. This statute is
14 patterned after the federal false claims statute, 18 United
15 States Code section 287, and therefore, the State of Hawaii
16 courts and counsel should look to federal case law and precedent
17 for direction.

18 SECTION 2. Chapter 710, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:

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1 "§710- False, fictitious, or fraudulent claims. (1) A
2 person commits the offense of making a false, fictitious, or
3 fraudulent claim against the State or a county if the person
4 makes or presents to any agent of the State, any of the
5 counties, or any department or agency thereof, any claim upon or
6 against the State, a county, or any department or agency
7 thereof, that the person knows to be false, fictitious, or
8 fraudulent.

9 (2) Any person charged under this section shall not be
10 eligible for a deferred acceptance of guilty plea or nolo
11 contendere plea under chapter 853.

12 (3) Making a false, fictitious, or fraudulent claim
13 against the State or a county is a class C felony."

14 SECTION 3. New statutory material is underscored.

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

16

INTRODUCED BY: _____

H.B. NO.

Report Title:

Commission to Improve Standards of Conduct; False, Fictitious, or Fraudulent Claims; State; Counties; Penalties

Description:

Makes it a class C felony to make false, fictitious, or fraudulent claims against the State or a county, or any of their departments or agencies.

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

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