
A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 PART I

2 SECTION 1. Chapter 710, Hawaii Revised Statutes, is
3 amended by adding a new section to be appropriately designated
4 and to read as follows:

5 "§710- Using or making false statements or entries;
6 generally. (1) Except as otherwise provided in this section, a
7 person commits the offense of using or making false statements
8 or entries if, in any matter within the jurisdiction of the
9 executive, legislative, or judicial branch of the State, or any
10 county, the person intentionally or knowingly:

11 (a) Falsifies, conceals, or covers up a material fact by
12 any trick, scheme, or device;

13 (b) Makes any materially false, fictitious, or fraudulent
14 statement or representation; or

15 (c) Makes or uses any false writing or document knowing
16 the writing or document contains any materially false,
17 fictitious, or fraudulent statement or entry.



1 (2) Application of this section shall be based on title 18
2 United States Code section 1001 and any relevant federal case
3 law and precedent.

4 (3) Using or making false statements or entries is a class
5 C felony. A person charged under this section shall be eligible
6 for a deferred acceptance of guilty plea or nolo contendere plea
7 under chapter 853. A person who is convicted under this section
8 shall be disqualified from holding any elected or appointed
9 office in the executive, legislative, or judicial branches for a
10 period of ten years from the date of conviction.

11 (4) Subsection (1) shall not apply to a party to a
12 judicial proceeding, or that party's counsel, for statements,
13 representations, writings, or documents submitted by the party
14 or counsel to a judge or magistrate in that proceeding.

15 (5) With respect to any matter within the jurisdiction of
16 the legislature, subsection (1) shall apply only to:

17 (a) Administrative matters, including:

18 (i) A claim for payment;

19 (ii) A matter related to the procurement of property
20 or services;

21 (iii) Personnel or employment practices;



1 (a) When called as a witness and having been granted
2 immunity pursuant to chapters 480 and 621C, before or
3 after having been qualified as a witness, [~~shall~~
4 ~~refuse~~] refuses to testify or be qualified as a
5 witness when duly directed to testify or be qualified
6 as a witness[-]; or

7 (b) Influences; obstructs; impedes; or endeavors to
8 influence, obstruct, or impede, the due administration
9 of justice by means of force, threat of force,
10 coercion, fraud, or deception.

11 (2) Obstruction of justice is a class [C] B felony. A
12 person charged under this section, notwithstanding any law to
13 the contrary, shall not be eligible for a deferred acceptance of
14 guilty plea or nolo contendere plea under chapter 853."

15 SECTION 4. Section 853-4, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) This chapter shall not apply when:

18 (1) The offense charged involves the intentional, knowing,
19 reckless, or negligent killing of another person;

20 (2) The offense charged is:



1 (A) A felony that involves the intentional, knowing,
2 or reckless bodily injury, substantial bodily
3 injury, or serious bodily injury of another
4 person; or

5 (B) A misdemeanor or petty misdemeanor that carries a
6 mandatory minimum sentence and that involves the
7 intentional, knowing, or reckless bodily injury,
8 substantial bodily injury, or serious bodily
9 injury of another person;

10 provided that the prohibition in this paragraph shall
11 not apply to offenses described in section
12 709-906(18);

13 (3) The offense charged involves a conspiracy or
14 solicitation to intentionally, knowingly, or
15 recklessly kill another person or to cause serious
16 bodily injury to another person;

17 (4) The offense charged is a class A felony;

18 (5) The offense charged is nonprobationable;

19 (6) The defendant has been convicted of any offense
20 defined as a felony by the Hawaii Penal Code or has



1 been convicted for any conduct that if perpetrated in
2 this State would be punishable as a felony;

3 (7) The defendant is found to be a law violator or
4 delinquent child for the commission of any offense
5 defined as a felony by the Hawaii Penal Code or for
6 any conduct that if perpetrated in this State would
7 constitute a felony;

8 (8) The defendant has a prior conviction for a felony
9 committed in any state, federal, or foreign
10 jurisdiction;

11 (9) A firearm was used in the commission of the offense
12 charged;

13 (10) The defendant is charged with the distribution of a
14 dangerous, harmful, or detrimental drug to a minor;

15 (11) The defendant has been charged with a felony offense
16 and has been previously granted deferred acceptance of
17 guilty plea or no contest plea for a prior offense,
18 regardless of whether the period of deferral has
19 already expired;

20 (12) The defendant has been charged with a misdemeanor
21 offense and has been previously granted deferred



1 acceptance of guilty plea or no contest plea for a
2 prior felony, misdemeanor, or petty misdemeanor for
3 which the period of deferral has not yet expired;

4 (13) The offense charged is:

5 (A) Habitually operating a vehicle under the
6 influence of an intoxicant under section
7 291E-61.5(a);

8 (B) A violation of an order issued pursuant to
9 chapter 586;

10 (C) Sexual assault in the second degree under section
11 707-731;

12 (D) Sexual assault in the third degree under section
13 707-732;

14 (E) Promoting child abuse in the second degree under
15 section 707-751;

16 (F) Promoting child abuse in the third degree under
17 section 707-752;

18 (G) Electronic enticement of a child in the first
19 degree under section 707-756;

20 (H) Electronic enticement of a child in the second
21 degree under section 707-757;



- 1 (I) Abuse of family or household member except as
2 provided in paragraph (2) and section
3 709-906(18);
- 4 ~~[-A-]~~ (J) Escape in the first degree[+] under section
5 710-1020;
- 6 ~~[-B-]~~ (K) Escape in the second degree[+] under section
7 710-1021;
- 8 ~~[-C-]~~ (L) Promoting prison contraband in the first
9 degree[+] under section 710-1022;
- 10 ~~[-D-]~~ (M) Promoting prison contraband in the second
11 degree[+] under section 710-1023;
- 12 ~~[-E-]~~ (N) Bail jumping in the first degree[+] under section
13 710-1024;
- 14 ~~[-F-]~~ (O) Bail jumping in the second degree[+] under
15 section 710-1025;
- 16 ~~[-G-]~~ (P) Bribery[+] under section 710-1040;
- 17 ~~[-H-]~~ (Q) Bribery of or by a witness[+] under section
18 710-1070;
- 19 ~~[-I-]~~ (R) Intimidating a witness[+] under section 710-1071;
- 20 (S) Obstruction of justice under section 710-1072.5;



- 1 ~~(J)~~ (T) Bribery of or by a juror~~[+]~~ under section
- 2 710-1073;
- 3 ~~(K)~~ (U) Intimidating a juror~~[+]~~ under section 710-1074;
- 4 ~~(L)~~ (V) Jury tampering~~[+]~~ under section 710-1075;
- 5 (W) Violation of privacy in the first degree under
- 6 section 711-1110.9;
- 7 (X) Violation of privacy in the second degree under
- 8 section 711-1111(1)(d), (e), (f), (g), or (h);
- 9 (Y) Commercial sexual exploitation under section
- 10 712-1200.5;
- 11 ~~(M)~~ (Z) Promoting prostitution~~[+]~~ under section 712-1203;
- 12 ~~(N)~~ ~~Abuse of family or household member except as~~
- 13 ~~provided in paragraph (2) and section 709-~~
- 14 ~~906(18);~~
- 15 ~~(O)~~ ~~Sexual assault in the second degree;~~
- 16 ~~(P)~~ ~~Sexual assault in the third degree;~~
- 17 ~~(Q)~~ ~~A violation of an order issued pursuant to~~
- 18 ~~chapter 586;~~
- 19 ~~(R)~~ ~~Promoting child abuse in the second degree;~~
- 20 ~~(S)~~ ~~Promoting child abuse in the third degree;~~



- 1 ~~(T)~~ ~~Electronic enticement of a child in the first~~
- 2 ~~degree;~~
- 3 ~~(U)~~ ~~Electronic enticement of a child in the second~~
- 4 ~~degree;~~
- 5 ~~(V)~~ ~~Commercial sexual exploitation pursuant to~~
- 6 ~~section 712-1200.5;~~
- 7 ~~(W)~~ (AA) Street prostitution and commercial sexual
- 8 exploitation under section 712-1207(1) (b) or
- 9 (2) (b);
- 10 ~~(X)~~ (BB) Commercial sexual exploitation near schools or
- 11 public parks under section 712-1209;
- 12 ~~(Y)~~ (CC) Commercial sexual exploitation of a minor under
- 13 section 712-1209.1;
- 14 ~~(Z)~~ (DD) Habitual commercial sexual exploitation under
- 15 section 712-1209.5;
- 16 ~~(AA)~~ ~~Violation of privacy in the first degree under~~
- 17 ~~section 711-1110.9;~~
- 18 ~~(BB)~~ ~~Violation of privacy in the second degree under~~
- 19 ~~section 711-1111(1) (d), (e), (f), (g), or (h);~~



1 SECTION 6. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 7. This Act shall take effect upon its approval;
4 provided that the amendments made to section 853-4, Hawaii
5 Revised Statutes, by section 4 of this Act shall not be repealed
6 when that section is reenacted on June 30, 2026, pursuant to
7 section 15 of Act 19, Session Laws of Hawaii 2020.



Report Title:

Commission to Improve Standards of Conduct; Penal Code; False Statements or Entries; Government; Disqualification; Conviction; Obstruction of Justice

Description:

Establishes the class C felony offense of using or making false statements or entries in matters within the jurisdiction of the executive, legislative, or judicial branch of the State, or any county. Disqualifies a person charged with using or making a false statement or entry from holding any elected or appointed office in the executive, legislative, or judicial branches for a period of ten years. Amends the offense of obstruction of justice. (SD1)

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