

JAN 25 2023

A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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.



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 using or making false statements or entries
12 in matters within the jurisdiction of the executive,
13 legislative, or judicial branch of the State, or any county.
14 This Act also disqualifies a person from holding elected public
15 office for a period of ten years upon conviction of making such
16 false statements or entries. This Act is patterned after the
17 federal "false statements" statute, title 18 United States Code
18 section 1001, and therefore, the courts of the State and counsel
19 should look to federal caselaw and precedent for direction.



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

4 **"§710- Using or making false statements or entries;**
5 **generally.** (1) Except as otherwise provided in this section, a
6 person commits the offense of using or making false statements
7 or entries if, in any matter within the jurisdiction of the
8 executive, legislative, or judicial branch of the State, or any
9 county, the person knowingly and wilfully:

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

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

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

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

20 (3) Using or making false statements or entries is a class
21 C felony. A person convicted of violating this section shall



1 not be eligible for a deferred acceptance of guilty plea or nolo
2 contendere plea under chapter 853.

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

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

9 (a) Administrative matters, including:

10 (i) A claim for payment;

11 (ii) A matter related to the procurement of property
12 or services;

13 (iii) Personnel or employment practices;

14 (iv) Support services; or

15 (v) A document required by law, rule, or regulation
16 to be submitted to the legislature or any office
17 or officer within the legislature; or

18 (b) Any investigation or review conducted pursuant to the
19 authority of any committee, subcommittee, commission,
20 or office of the legislature, consistent with



1 applicable rules of the senate or house of
2 representatives."

3 SECTION 3. Section 11-412, Hawaii Revised Statutes, is
4 amended by amending subsection (d) to read as follows:

5 "(d) A person who is convicted under this section, or for
6 using or making a false statement or entry under section
7 710- , shall be disqualified from holding elective public
8 office for a period of ten years from the date of conviction."

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect upon its approval.

14

INTRODUCED BY: 
By Request



S.B. NO. 1422

Report Title:

Commission to Improve Standards of Conduct; Penal Code; False Statements or Entries; Executive, Legislative, and Judicial Branches; Counties; Disqualification; Elective Public Office; Conviction

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 from holding elective public office for a period of ten years upon conviction of making a false statement or entry.

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

