

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 710
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Government Operations, to which was referred H.B. No. 710, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO GOVERNMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish 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;
- (2) Disqualify a person charged with using or making a false statement or entry from receiving public financing for elections for a period of ten years; and
- (3) Amend the offense of obstruction of justice.

Your Committee received testimony in support of this measure from the Commission to Improve Standards of Conduct, Honolulu Police Department, and one individual.

Your Committee finds that making false statements or entries within local government can weaken democracy. The issuance of false statements or entries undoubtedly impacts government



resources and conditions. Your Committee further finds that the federal false claims statement statute established a class C felony offense for persons who, when dealing with state or county government, knowingly or willfully falsify, conceal, or cover up a material fact; make a materially false, fictitious, or fraudulent statement or representation; or make or use any false writing or document known to have materially false information. This measure will establish a similar offense in Hawaii, which will help state and county law enforcement root out corruption and misconduct in state and county government rather than rely on federal law enforcement.

Your Committee agrees with the testimony provided that the bar against service for ten years after a conviction of the class C felony is constitutional and as such has restored the original language that was in the draft of the measure as introduced.

Your Committee further finds that while there is a bar against running for office in the legislative branch after a conviction, no bar exists if someone in the executive or judicial branch is convicted of the same offense. As such, your Committee feels that it is important to ensure that should an offense occur in these other two branches, the same prohibition should apply to them as well.

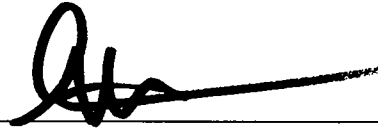
Your Committee has amended this measure by:

- (1) Removing the legislative findings;
- (2) Changing the penalty for any person convicted 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 from being disqualified from receiving public financing under part XIII, subpart J of chapter 11, Hawaii Revised Statutes, for a period of ten years from the date of conviction to being disqualified from holding any elected or appointed office in the executive, legislative, or judicial branches for a period of ten years from the date of conviction; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.



As affirmed by the record of votes of the members of your Committee on Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 710, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 710, H.D. 1, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Government
Operations,



ANGUS L.K. MCKELVEY, Chair



The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* HB710, HD1	Committee Referral: GVO, JDC	Date: 3-23-23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)	✓			
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes