

STAND. COM. REP. NO.

819

Honolulu, Hawaii

MAR 02

, 2023

RE: H.B. No. 711
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 711 entitled:

"A BILL FOR AN ACT RELATING TO FRAUD,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish a general fraud statute that is intended to cover schemes or artifices to defraud or to obtain money or property by means of false or fraudulent pretenses, representations, or promises; and
- (2) Disqualify a person convicted of fraud from holding elected office for a period of ten years.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Campaign Spending Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Pono Hawaii Initiative, Democratic Party of Hawai'i, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Commission to Improve Standards of Conduct and one individual.

2023-2013 HB711 HD1 HSCR HMSO



Your Committee finds that this measure implements one of the recommendations made by the Commission to Improve Standards of Conduct established pursuant to House Resolution No. 9, Regular Session of 2022. This measure, which is modeled after federal fraud statutes, would establish a broad criminal offense for fraud at the state level.

Your Committee has amended this measure by:

- (1) Deleting language that would have imposed a mandatory minimum term of imprisonment of one year, without the possibility of probation, for persons convicted of fraud;
- (2) Allowing a person charged for the offense of fraud to be eligible for a deferred acceptance of guilty plea or nolo contendere plea;
- (3) Deleting language that would have disqualified a person convicted of fraud from holding elected office for ten years, and instead disqualifying the person from receiving public financing for elections for a period of ten years; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 711, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 711, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



