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## 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.



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           (1) Establishing the offense of making a false, frivolous,  
13                 or fraudulent claim against the State or a county; and
- 14           (2) Disqualifying a person from holding elected public  
15                 office for a period of ten years upon conviction of  
16                 making such false, frivolous, or fraudulent claim.

17 This statute is patterned after the federal false claims  
18 statute, 18 United States Code section 287, and therefore, the  
19 State of Hawaii courts and counsel should look to federal case  
20 law 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- False, fictitious, or fraudulent claims. (1) A  
5 person commits the offense of making a false, fictitious, or  
6 fraudulent claim against the State or a county if the person  
7 makes or presents to any agent of the State, any of the  
8 counties, or any department or agency thereof, any claim upon or  
9 against the State, a county, or any department or agency  
10 thereof, that the person knows to be false, fictitious, or  
11 fraudulent.

12 (2) Application of this section shall be based on title 18  
13 United States Code section 287 and any relevant federal case law  
14 and precedent.

15 (3) Any person charged under this section shall not be  
16 eligible for a deferred acceptance of guilty plea or nolo  
17 contendere plea under chapter 853.

18 (4) Making a false, fictitious, or fraudulent claim  
19 against the State or a county is a class C felony."

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



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1           "(d) A person who is convicted under this section, or for  
 2 making a false, fictitious, or fraudulent claim under section  
 3 710- \_\_\_\_\_, shall be disqualified from holding elective public  
 4 office for a period of ten years from the date of conviction."

5           SECTION 4. This Act does not affect rights and duties that  
 6 matured, penalties that were incurred, and proceedings that were  
 7 begun before its effective date.

8           SECTION 5. New statutory material is underscored.

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

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INTRODUCED BY: 

JAN 20 2023



# H.B. NO. 707

**Report Title:**

Commission to Improve Standards of Conduct; False, Fictitious, or Fraudulent Claims; State; Counties; Penalties; Disqualification; Elective Public Office; Conviction

**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. Disqualifies a person from holding elective public office for a period of ten years upon conviction of making a false, fictitious, or fraudulent claim.

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