

JAN 19 2024

A BILL FOR AN ACT

RELATING TO STATES OF EMERGENCY.

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

1 SECTION 1. Chapter 127A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§127A- Charitable fraud during a state of emergency.

5 (a) A person commits the offense of charitable fraud during a
6 state of emergency if, during a state of emergency declared by
7 the governor under section 127A-14(a), the person performs any
8 of the following actions in connection with a solicitation or
9 acceptance of a contribution to assist a disaster victim:

10 (1) The person uses any deceptive act or practice, false
11 pretense, false promise, or misrepresentation, with
12 the intent that others rely thereon, in connection
13 with the solicitation of a contribution;

14 (2) The person misrepresents, misleads, or omits
15 information concerning the intended uses of
16 contributions; or



- 1 (3) The person uses contributions in a manner other than
2 the specific purposes represented by the solicitor at
3 the time the contribution was solicited. A person
4 who:
- 5 (A) Solicits or accepts contributions;
6 (B) Claims or implies that the contributions
7 solicited or accepted will be used to provide
8 direct aid for disaster victims; and
9 (C) Does not use the contributions to provide aid
10 directly to the disaster victims described in
11 subparagraph (B),
12 shall be deemed to have committed the offense of
13 charitable fraud during a state of emergency.
- 14 (b) Charitable fraud during a state of emergency is a:
- 15 (1) Class B felony if the value of contributions obtained
16 or attempted to be obtained is \$20,000 or more;
17 (2) Class C felony if the value of contributions obtained
18 or attempted to be obtained is more than \$750 and less
19 than \$20,000; or
20 (3) Misdemeanor if the value of contributions obtained or
21 attempted to be obtained is \$750 or less.



1 (c) For purposes of this section:

2 "Contribution" includes money, credit or debit card
3 transactions, online payments, payments made through a third
4 party, goods, services, or anything else of value, whether
5 tangible or intangible.

6 "Disaster victim" means any person adversely affected by
7 the disaster or emergency that caused the governor to declare a
8 state of emergency."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act, upon its approval, shall take effect
11 retroactive to July 1, 2023.

12

INTRODUCED BY: 



S.B. NO. 2693

Report Title:

Emergency Management; States of Emergency; Charitable Fraud;
Prohibited

Description:

Establishes the offense of charitable fraud during a state of emergency. Provides that a person commits charitable fraud during a state of emergency if that person, during a state of emergency proclaimed by the Governor, performs certain deceptive acts or practices in connection with the solicitation of a contribution to assist persons affected by a disaster or emergency.

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