

ACT 277

S.B. NO. 97

A Bill for an Act Relating to Telemarketing Fraud.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§708- Telemarketing fraud. (1) A person commits the offense of telemarketing fraud if, with intent to defraud or misrepresent, that person obtains or attempts to obtain the transfer of possession, control, or ownership of the property of another through communications conducted at least in part by telephone and involving direct or implied claims that the person contacted:

- (a) Will or is about to receive anything of value; or
- (b) May be able to recover any losses suffered by the person contacted in connection with a prize promotion.

(2) Telemarketing fraud is a class B felony. In addition, any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit telemarketing fraud, or that facilitated or assisted this activity, shall be forfeited subject to chapter 712A.

(3) For purposes of this section, “telemarketing” means a plan, program, or campaign, including a prize promotion or investment opportunity, that:

- (a) Is conducted to include the purchase of goods or services or to solicit funds or contributions by use of one or more telephones; and
- (b) Involves more than one telephone call.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 25, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.