

SUMMARY OF PROPOSED COMMITTEE DRAFT:

**BILL 44 (2023)
RELATING TO FALSE STATEMENTS.**

THE PROPOSED CD1 makes the following amendments:

- A. In SECTION 1 of the bill, replaces "inciting" with "causing" to be consistent with the amendment referred to in B.2.a below.
- B. In SECTION 2 of the bill:
 - 1. Revises the proposed ROH § 1-___.1 as follows:
 - a. Amends the definition of "False Statement" to, "[a]ny statement, in oral, written, printed, or electronic form, that is proven to be incorrect, inaccurate, or not in accordance with truth or fact."
 - b. Deletes the definition of "Incite."
 - 2. Revises the proposed ROH § 1-___.2 as follows:
 - a. Revises list item (2) to state that a person may not knowingly cause the making of a false statement to a city official, instead of incite the making of a false statement to a city official.
 - b. Modifies the scope of the prohibition to prohibit false statements knowingly made or caused to be made during the course of an investigation or inspection conducted by the city official within the course of the city official's normal duties and responsibilities.
 - 3. Revises the proposed ROH § 1-___.3 to delete subsection (b), which states, "[i]n determining the punishment pursuant to subsection (a), the court shall consider the impact of the violation on the public health, safety, and welfare."
- C. Makes miscellaneous technical and nonsubstantive amendments.



HONOLULU CITY COUNCIL
KE KANIHELA O KE KALANA O HONOLULU
CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL **44 (2023), CD1**

PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO FALSE STATEMENTS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to deter persons from making or causing the making of a false statement to a public servant.

SECTION 2. Chapter 1, Revised Ordinances of Honolulu 2021 ("General Provisions"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"ARTICLE __: MAKING FALSE STATEMENTS TO CITY OFFICIALS

§ 1-__.1 Definitions.

For the purposes of this article, the following definitions apply unless the context clearly indicates or requires a different meaning.

City Official. Any city employee who, in the normal course of the employee's duties and responsibilities, conducts investigations or inspections, or both, to ascertain compliance with any city ordinance, rule, or regulation.

False Statement. Any statement, in oral, written, printed, or electronic form, that is proven to be incorrect, inaccurate, or not in accordance with truth or fact.

Knowingly. Has the same meaning as defined in HRS § 702-206.

§ 1-__.2 Prohibition.

A person may not knowingly:

- (1) Make a false statement to a city official; or
- (2) Cause the making of a false statement to a city official,

during the course of an investigation or inspection conducted by the city official within the course of the city official's normal duties and responsibilities.



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§ 1-__3 Penalty.

A person convicted of violating this article is guilty of a misdemeanor and subject to punishment by any one or more of the following:

- (1) A fine not to exceed \$2,000;
- (2) Imprisonment not to exceed one year; and
- (3) Community service not to exceed 80 hours."



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SECTION 3. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tyler Dos Santos-Tam

Tommy Waters

DATE OF INTRODUCTION:

July 6, 2023
Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

 Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

 RICK BLANGIARDI, Mayor
 City and County of Honolulu