
A BILL FOR AN ACT

RELATING TO ONLINE PROPERTY OFFENSES.

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

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

4 **"PART . ONLINE PROPERTY OFFENSES**

5 **§708- Definitions.** As used in this part:

6 "Access" means to use, instruct, communicate with, store
7 data in, retrieve or intercept data from, or otherwise utilize
8 any services of a computer.

9 "Computer" means a device that accepts, processes, stores,
10 retrieves, or outputs data and includes, but is not limited to
11 auxiliary storage and telecommunications devices connected to
12 computers.

13 "Internet" means an interactive computer service or system
14 or an information service, system, or access software provider
15 that provides or enables computer access by multiple users to a
16 computer server and includes, but is not limited to, an
17 information service, system, or access software provider that
18 provides access to a network system commonly known as the



1 Internet, or any comparable system or service and also includes,
2 but is not limited to, a world wide web page, newsgroup, message
3 board, mailing list, or chat area on any interactive computer
4 service or system or other online service.

5 "Online" means the use of any electronic or wireless device
6 to access the Internet.

7 **§708- Online sale of stolen property.** A person commits
8 the offense of online sale of stolen property when the person
9 uses or accesses the Internet with the intent of selling
10 property gained through unlawful means.

11 **§708- Online theft by deception.** A person commits the
12 offense of online theft by deception when the person uses the
13 Internet to purchase or attempt to purchase property from a
14 seller with a mode of payment that the person knows is
15 fictitious, stolen, or lacking the consent of the valid account
16 holder.

17 **§708- Electronic fencing.** A person commits the offense
18 of electronic fencing when the person sells stolen property
19 using the Internet, knowing that the property was stolen. A
20 person who unknowingly purchases stolen property over the
21 Internet does not violate this section.

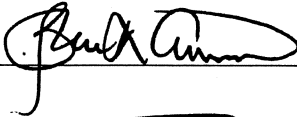



1 **§708- Penalty.** A violation of this part is a class C
 2 felony if the value of the stolen property or property obtained
 3 by deception exceeds \$300. A violation of this part is a
 4 misdemeanor if the value of the stolen property or property
 5 obtained by deception is \$300 or less."

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

9 SECTION 3. This Act shall take effect upon its approval.

10

INTRODUCED BY: 


JAN 20 2006

HB 1985

Report Title:

Property Offenses; Online

Description:

Prohibits online sale of stolen property, online theft by deception, and electronic fencing. Makes the offenses a class C felony for amounts in excess of \$300 and a misdemeanor for amounts less than \$300.

