
A BILL FOR AN ACT

RELATING TO IDENTITY THEFT.

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

1 SECTION 1. In 2005, the Hawaii anti-phishing task force
2 was established in the department of the attorney general to
3 develop state policy on how best to prevent further occurrences
4 of phishing and other forms of electronic commerce-based crimes
5 in the state. The task force focused on:

6 (1) Examining state agencies charged with the
7 responsibility of developing policies, procedures, and
8 operations to prevent, monitor, and enforce electronic
9 commerce-based criminal activities and sanctions;

10 (2) Deriving best practice models from the review of other
11 jurisdictions' activities, policies, and laws related
12 to the prevention of electronic commerce-based crimes;

13 (3) Exploring other options available to the task force to
14 deter electronic commerce-based crimes from occurring
15 in the state; and

16 (4) Establishing findings and recommendations on
17 electronic commerce-based crime prevention.

1 The task force submitted to the legislature findings and
2 recommendations on deterring electronic commerce-based crime.

3 The purpose of this Act is to implement the recommendations
4 of the task force on identity theft.

5 PART I

6 SECTION 2. Act 65, Session Laws of Hawaii 2005, is amended
7 by amending section 2 to read as follows:

8 "SECTION 2. (a) There is established [~~within the~~
9 ~~department of the attorney general a Hawaii anti-phishing~~] an
10 identity theft task force to examine options to prevent
11 electronic commerce-based crimes in the [~~State.~~] state and to
12 safeguard and protect from identity theft all personal
13 identifying information in public documents across the gamut of
14 state and county agencies.

15 (b) The [~~Hawaii anti-phishing~~] identity theft task force
16 shall include members as follows:

- 17 (1) The attorney general or the attorney general's
18 designee;
- 19 (2) The director of the office of consumer protection;
- 20 (3) The United States Attorney for the District of Hawaii
21 or the United States Attorney's designee;



- 1 (4) Two members [~~of the Hawaii state senate~~] appointed by
2 the president of the senate;
- 3 (5) Two members [~~of the Hawaii state house of~~
4 ~~representatives~~] appointed by the speaker of the house
5 of representatives;
- 6 (6) Two members representing the financial services
7 industry, one appointed by the president of the senate
8 and one appointed by the speaker of the house of
9 representatives;
- 10 (7) A member of the Honolulu police department's criminal
11 investigation division; [~~and~~]
- 12 (8) A member of the Honolulu field office's United States
13 Secret Service electronic crimes unit[-];
- 14 (9) The administrative director of the judiciary or the
15 administrative director's designee;
- 16 (10) A member representing all of the county police
17 departments, appointed by the police chiefs;
- 18 (11) A member representing the Hawaii Prosecuting
19 Attorneys' Association;
- 20 (12) A member representing the United States Postal
21 Service;
- 22 (13) A member representing the University of Hawaii;



- 1 (14) A member representing the department of education;
- 2 (15) A member representing all of the counties, appointed
3 by the Hawaii State Association of Counties;
- 4 (16) Two members representing consumer and business
5 organizations, one appointed by the president of the
6 senate and one appointed by the speaker of the house
7 or representatives;
- 8 (17) Two members representing the retail and small business
9 community, one appointed by the president of the
10 senate and one appointed by the speaker of the house
11 of representatives; and
- 12 (18) A member representing the department of accounting and
13 general services.
- 14 (c) The task force shall:
- 15 (1) Examine the policies, procedures, and operations of
16 state agencies charged with the responsibility of
17 developing policies to prevent electronic
18 commerce-based crimes, monitoring electronic
19 commerce-based criminal activity, and enforcing
20 electronic commerce-based criminal sanctions;
- 21 (2) Review other jurisdictions' activities, policies,
22 directives, and laws related to preventing electronic



1 commerce-based crimes and derive best [~~practices~~]

2 practice models therefrom;

3 (3) Explore any other options available to the task force
4 to deter electronic commerce-based crimes from
5 occurring in the State; [~~and~~]

6 (4) Establish findings and develop recommendations on how
7 the State may best deter electronic commerce-based
8 crimes from occurring in the [~~State.~~] state;

9 (5) Identify the best practices to prevent identity theft
10 by reviewing other jurisdictions' activities,
11 policies, and laws related to protecting personal
12 identifying information collected by government
13 agencies, and establishing a timetable for the
14 immediate removal of personal identifying information
15 from public records in Hawaii, including:

16 (A) The review of current practices associated with
17 use and disclosure for public inspection of
18 social security numbers in any records or
19 documents maintained by state and county
20 agencies;

21 (B) The review of the current volume of these records
22 or documents and likely future increase or



1 decrease in the volume of these records or
2 documents; and
3 (C) The practicability of any proposed mandatory
4 redaction for certain types of records or
5 documents, and the impact that any proposed
6 mandatory redaction may have on human or other
7 resources necessary to implement the redaction;

8 and

9 (6) Identify and recommend solutions to issues involving
10 social security number protection, including the sale,
11 lease, trade, rent, or otherwise intentional release
12 of an individual's social security number to a third
13 party.

14 (d) The members of the task force shall select the
15 chairperson of the task force and shall be reimbursed for
16 expenses, including travel expenses, necessary for the
17 performance of their duties.

18 [~~d~~] (e) The task force shall submit its findings and
19 recommendations to the legislature, including any proposed
20 legislation, no later than twenty days prior to the convening of
21 the [~~2006~~] 2007 regular session[~~-~~] and the 2008 regular session.



1 [~~(e)~~] (f) The [~~department of the attorney general~~] office
2 of the auditor shall provide the research and organizational
3 support services necessary to assist the task force in achieving
4 its purpose as required under this Act.

5 [~~(f)~~] (g) The task force shall cease to exist on
6 [~~June 30, 2006.~~] December 31, 2007."

7 SECTION 3. There is appropriated out of the general
8 revenues of the State of Hawaii the sum of \$50,000 or so much
9 thereof as may be necessary for fiscal year 2006-2007 for
10 research and support services, including reimbursement of
11 expenses for members.

12 The sum appropriated shall be expended by the office of the
13 auditor for the purposes of this Act.

14 SECTION 4. All appropriations, records, equipment,
15 machines, files, supplies, contracts, books, papers, documents,
16 maps, and other personal property heretofore made, used,
17 acquired, or held by the department of the attorney general
18 relating to the functions transferred to the office of the
19 auditor shall be transferred with the functions to which they
20 relate.



1 PART II

2 SECTION 5. Numerous law enforcement agencies in the state
3 have adopted and implemented strategies to address and combat
4 the increasing problem of identity theft. In particular, the
5 department of the attorney general has committed a substantial
6 amount of its resources and has worked closely with almost every
7 criminal enforcement authority in the state in an effort to
8 thwart identity theft. In 2002, the department created the
9 Hawaii high technology crime unit to increase the number of
10 investigations and prosecutions of computer-related crimes. The
11 unit focuses on prosecuting crimes involving Internet fraud and
12 recovering money for victims. The unit also creates and
13 administers task forces, which are composed of federal, state,
14 and county law enforcement agencies. The task forces coordinate
15 investigations, share resources, and provide community outreach.

16 Despite current participation from various departments and
17 agencies, more effort is needed to effectively combat the
18 occurrence of identity theft, prosecute criminals, and enforce
19 penalties. Law enforcement authorities track identity theft
20 crimes in various ways; the current tracking methods do not
21 provide accurate statistical information about identity theft in
22 the state. A uniform system of tracking will provide law



1 enforcement authorities with a better understanding of the depth
2 and pervasiveness of the problem in Hawaii.

3 Once adopted and implemented by law enforcement
4 authorities, the uniform tracking and reporting system will
5 yield better statistics on the range and breadth of identity
6 theft and electronic crimes. The compiled data is intended to
7 be used to support a future U.S. Secret Service application for
8 designation of Hawaii as one of its regional centers for the
9 Electronic Crimes Task Force.

10 SECTION 6. There is appropriated out of the general
11 revenues of the State of Hawaii the sum of \$50,000 or so much
12 thereof as may be necessary for fiscal year 2006-2007 for the
13 high technology crime unit and the crime prevention and justice
14 assistance division of the department of the attorney general to
15 develop a uniform system of tracking identity theft crimes.

16 The sum appropriated shall be expended by the department of
17 the attorney general for the purposes of this Act.

18 SECTION 7. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 8. This Act shall take effect upon its approval;
21 provided that sections 3 and 6 shall take effect on July 1,
22 2006.



HB 3244

HD1

SD2

CD1

Report Title:

Electronic Commerce; Identity Theft

Description:

Changes name of task force, expands its responsibilities, and extends its life until 12/31/07. Adds additional members to the task force. Appropriates funds to the auditor. Appropriates funds for an expanded law enforcement effort to compile a uniform identity theft complaint tracking system. (HB3244 CD1)

