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# A BILL FOR AN ACT

RELATING TO IDENTITY THEFT.

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

1           SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           "§706-606.5 Sentencing of repeat offenders. (1) ,

4 Notwithstanding section 706-669 and any other law to the  
5 contrary, any person convicted of murder in the second degree,  
6 any class A felony, any class B felony, or any of the following  
7 class C felonies: section 188-23 relating to possession or use  
8 of explosives, electrofishing devices, and poisonous substances  
9 in state waters; section 707-703 relating to negligent homicide  
10 in the first degree; section 707-711 relating to assault in the  
11 second degree; section 707-713 relating to reckless endangering  
12 in the first degree; section 707-716 relating to terroristic  
13 threatening in the first degree; section 707-721 relating to  
14 unlawful imprisonment in the first degree; section 707-732  
15 relating to sexual assault or rape in the third degree; section  
16 707-735 relating to sodomy in the third degree; section 707-736  
17 relating to sexual abuse in the first degree; section 707-751  
18 relating to promoting child abuse in the second degree; section



1 707-766 relating to extortion in the second degree; section 708-  
2 811 relating to burglary in the second degree; section 708-821  
3 relating to criminal property damage in the second degree;  
4 section 708-831 relating to theft in the first degree as amended  
5 by Act 68, Session Laws of Hawaii 1981; section 708-831 relating  
6 to theft in the second degree; section 708-835.5 relating to  
7 theft of livestock; section 708-836 relating to unauthorized  
8 control of propelled vehicle; section 708-839.6 relating to  
9 identity theft in the first degree; section 708-839.7 relating  
10 to identity theft in the second degree; section 708-839.8  
11 relating to identity theft in the third degree; section 708-852  
12 relating to forgery in the second degree; section 708-854  
13 relating to criminal possession of a forgery device; section  
14 708-875 relating to trademark counterfeiting; section 710-1071  
15 relating to intimidating a witness; section 711-1103 relating to  
16 riot; section 712-1203 relating to promoting prostitution in the  
17 second degree; section 712-1221 relating to gambling in the  
18 first degree; section 712-1224 relating to possession of  
19 gambling records in the first degree; section 712-1243 relating  
20 to promoting a dangerous drug in the third degree; section 712-  
21 1247 relating to promoting a detrimental drug in the first  
22 degree; section 134-7 relating to ownership or possession of



1 firearms or ammunition by persons convicted of certain crimes;  
2 section 134-8 relating to ownership, etc., of prohibited  
3 weapons; section 134-9 relating to permits to carry, or who is  
4 convicted of attempting to commit murder in the second degree,  
5 any class A felony, any class B felony, or any of the class C  
6 felony offenses enumerated above and who has a prior conviction  
7 or prior convictions for the following felonies, including an  
8 attempt to commit the same: murder, murder in the first or  
9 second degree, a class A felony, a class B felony, any of the  
10 class C felony offenses enumerated above, or any felony  
11 conviction of another jurisdiction shall be sentenced to a  
12 mandatory minimum period of imprisonment without possibility of  
13 parole during such period as follows:

- 14 (a) One prior felony conviction:
  - 15 (i) Where the instant conviction is for murder in the  
16 second degree or attempted murder in the second  
17 degree--ten years;
  - 18 (ii) Where the instant conviction is for a class A  
19 felony--six years, eight months;
  - 20 (iii) Where the instant conviction is for a class B  
21 felony--three years, four months;

- 1           (iv) Where the instant conviction is for a class C
- 2                 felony offense enumerated above--one year, eight
- 3                 months;
- 4       (b) Two prior felony convictions:
- 5           (i) Where the instant conviction is for murder in the
- 6                 second degree or attempted murder in the second
- 7                 degree--twenty years;
- 8           (ii) Where the instant conviction is for a class A
- 9                 felony--thirteen years, four months;
- 10       (iii) Where the instant conviction is for a class B
- 11                 felony--six years, eight months;
- 12       (iv) Where the instant conviction is for a class C
- 13                 felony offense enumerated above--three years,
- 14                 four months;
- 15       (c) Three or more prior felony convictions:
- 16           (i) Where the instant conviction is for murder in the
- 17                 second degree or attempted murder in the second
- 18                 degree--thirty years;
- 19           (ii) Where the instant conviction is for a class A
- 20                 felony--twenty years;
- 21       (iii) Where the instant conviction is for a class B
- 22                 felony--ten years;



1 (iv) Where the instant conviction is for a class C  
2 felony offense enumerated above--five years."

3 SECTION 2. Section 708-800, Hawaii Revised Statutes, is  
4 amended by adding a new definition to be appropriately inserted  
5 and to read as follows:

6 "Confidential personal information" means information  
7 associated with an actual person or a fictitious person that is  
8 a driver's license number, a social security number, a state  
9 identification number, an employee identification number, a  
10 mother's maiden name, an identifying number of a depository  
11 account, a bank account number, a password, or a personal  
12 identification number (PIN) or code used for accessing loan,  
13 credit, or banking information."

14 SECTION 3. Section 708-839.8, Hawaii Revised Statutes, is  
15 amended to read as follows:

16 "[§708-839.8] **Identity theft in the third degree.** (1) A  
17 person commits the offense of identity theft in the third degree  
18 if that person [makes]:

19 (a) Makes or causes to be made, either directly or  
20 indirectly, a transmission of any personal  
21 information of another by any oral statement, any  
22 written statement, or any statement conveyed by



1 any electronic means, with the intent to commit  
2 the offense of theft in the third or fourth  
3 degree from any person or entity~~[-]~~ ; or

4 (b) Intentionally or knowingly possesses, without  
5 authorization, any confidential personal  
6 information of another in any form, including,  
7 but not limited to, mail, physical documents,  
8 identification cards, or information stored in  
9 digital form.

10 (2) It is an affirmative defense that the person who  
11 possessed the confidential personal information of another  
12 did so under the reasonable belief that the person was  
13 authorized to possess the confidential personal information  
14 of another by the other person.

15 ~~[(2)]~~ (3) Identity theft in the third degree is a class C  
16 felony. "

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.  
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HB 2230

**Report Title:**  
Identity theft

**Description:**  
Proposes measures to combat identity theft.

HB HMIA 68-2006

