
A BILL FOR AN ACT

RELATING TO ELECTRONIC COMMERCE.

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 bill is to implement the task force
4 recommendations.

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

7 "SECTION 2. (a) There is established [~~within the~~
8 ~~department of the attorney general~~] a [~~Hawaii anti-phishing~~]
9 joint legislative identity theft task force to examine options
10 to prevent electronic commerce-based crimes in the State[-] and
11 to safeguard and protect from identity theft all personal
12 identifying information collected by the State.

13 (b) The [~~Hawaii anti-phishing~~] joint legislative identity
14 theft task force shall include members as follows:

- 15 (1) The attorney general or the attorney general's
16 designee;
- 17 (2) The director of the office of consumer protection;
- 18 (3) The United States Attorney for the District of Hawaii
19 or the United States Attorney's designee;
- 20 (4) Two members of the Hawaii state senate appointed by
21 the president of the senate;



- 1 (5) Two members of the Hawaii state house of
2 representatives appointed by the speaker of the house
3 of representatives;
- 4 (6) Two members representing the financial services
5 industry, one appointed by the president of the senate
6 and one appointed by the speaker of the house of
7 representatives;
- 8 (7) A member of the Honolulu police department's criminal
9 investigation division; [~~and~~]
- 10 (8) A member of the Honolulu field office's United States
11 Secret Service electronic crimes unit[-];
- 12 (9) The chief justice of the supreme court or the chief
13 justice's designee;
- 14 (10) A member representing all of the county police
15 departments appointed by the police chiefs;
- 16 (11) A member from the Hawaii Prosecuting Attorneys'
17 Association; and
- 18 (12) A member representing the United States Postal
19 Service.
- 20 (c) The task force shall:
- 21 (1) Examine the policies, procedures, and operations of
22 state agencies charged with the responsibility of



1 developing policies to prevent electronic commerce-
2 based crimes, monitoring electronic commerce-based
3 criminal activity, and enforcing electronic
4 commerce-based criminal sanctions;

5 (2) Review other jurisdictions' activities, policies,
6 directives, and laws related to preventing electronic
7 commerce-based crimes and derive best practices models
8 therefrom;

9 (3) Explore any other options available to the task force
10 to deter electronic commerce-based crimes from
11 occurring in the State; ~~and~~

12 (4) Establish findings and develop recommendations on how
13 the State may best deter electronic commerce-based
14 crimes from occurring in the State~~[-]~~; and

15 (5) Identify best practices to prevent identity theft by
16 reviewing other jurisdictions' activities, policies,
17 and laws related to protecting personal identifying
18 information collected by the State, and establish a
19 timetable for the immediate removal of personal
20 identifying information from public records.

21 (d) The members of the task force shall select the
22 chairperson of the task force and shall be reimbursed for



1 expenses, including travel expenses, necessary for the
2 performance of their duties.

3 ~~[(d)]~~ (e) The task force shall submit its findings and
4 recommendations to the legislature, including any proposed
5 legislation, no later than twenty days prior to the convening of
6 the ~~[2006]~~ 2007 regular session.

7 ~~[(e)]~~ (f) The ~~[department of the attorney general]~~
8 legislative reference bureau shall provide the research and
9 organizational support services necessary to assist the task
10 force in achieving its purpose as required under this Act.

11 ~~[(f)]~~ (g) The task force shall cease to exist on June 30,
12 ~~[2006]~~ 2007."

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$, or so
15 much thereof as may be necessary for fiscal year 2006-2007, for
16 reimbursement of travel expenses of task force members.

17 The sum appropriated shall be expended by the legislature
18 for the purposes of this Act.

19 SECTION 4. All appropriations, records, equipment,
20 machines, files, supplies, contracts, books, papers, documents,
21 maps, and other personal property heretofore made, used,
22 acquired, or held by the department of the attorney general



1 relating to the functions transferred to the legislature shall
2 be transferred with the functions to which they relate.

3 SECTION 5. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval;
6 provided that section 3 shall take effect July 1, 2006.

7

INTRODUCED BY:

Colleen Meyer

~~_____~~

NWL

8

Brenda Gunn

Roderic P. Cibonella

Cindy Evans

Alvo M. Sam

Josh G. no

~~_____~~

JAN 25 2006



H.B. NO. 3245

Report Title:

State Identity Theft Task Force

Description:

Changes name of task force, expands its responsibilities, and extends its life until 6/30/07. Adds the chief justice or designee, and representatives from each county police department, the Hawaii Prosecuting Attorneys' Association, and the U.S. Postal Service to the task force membership.

