

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2158
S.D. 2

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 bill is to implement the
4 recommendations of the task force.

5 SECTION 2. Chapter 501, Hawaii Revised Statutes, is
6 amended by adding a new section to be appropriately designated
7 and to read as follows:

8 "§501- Social security numbers. The registrar shall to
9 the extent practicable, consistent with other laws, and without
10 causing undue delay in the public inspection of records, redact
11 or obscure the first five digits of an individual's social
12 security number contained in the public record so that only the
13 last four digits are legible or readable."

14 SECTION 3. Chapter 502, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 "§502- Social security numbers. The registrar shall to
18 the extent practicable, consistent with other laws, and without
19 causing undue delay in the public inspection of public records,
20 redact or obscure the first five digits of an individual's
21 social security number contained in the public record so that
22 only the last four digits are legible or readable."



1 SECTION 4. Chapter 571, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§571- Social security numbers. The court shall to the
5 extent practicable, consistent with other laws, and without
6 causing undue delay in the public inspection of public records,
7 redact or obscure the first five digits of an individual's
8 social security number contained in the public record so that
9 only the last four digits are legible or readable."

10 SECTION 5. Chapter 580, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§580- Social security numbers. The court shall to the
14 extent practicable, consistent with other laws, and without
15 causing undue delay in the public inspection of public records,
16 redact or obscure the first five digits of an individual's
17 social security number contained in the public record so that
18 only the last four digits are legible or readable."

19 SECTION 6. Section 501-151, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "**§501-151 Pending actions, judgments; recording of,**
22 **notice.** No writ of entry, action for partition, or any action

1 affecting the title to real property or the use and occupation
2 thereof or the buildings thereon, and no judgment, nor any
3 appeal or other proceeding to vacate or reverse any judgment,
4 shall have any effect upon registered land as against persons
5 other than the parties thereto, unless a full memorandum
6 thereof, containing also a reference to the number of
7 certificate of title of the land affected is filed or recorded
8 and registered. Except as otherwise provided, every judgment
9 shall contain or have endorsed on it the social security number,
10 State of Hawaii general excise taxpayer identification number,
11 or federal employer identification number for persons,
12 corporations, partnerships or other entities against whom the
13 judgment is rendered[-]; provided that where a judgment contains
14 or is endorsed with the social security number, the number shall
15 be redacted so that only the last four digits of the number are
16 legible or readable. If the judgment debtor has no social
17 security number, State of Hawaii general excise taxpayer
18 identification number, or federal employer identification
19 number, or if that information is not in the possession of the
20 party seeking registration of the judgment, the judgment shall
21 be accompanied by a certificate that provides that the
22 information does not exist or is not in the possession of the

1 party seeking registration of the judgment. Failure to disclose
 2 or disclosure of an incorrect social security number, State of
 3 Hawaii general excise taxpayer identification number, or federal
 4 employer identification number shall not in any way adversely
 5 affect or impair the lien created upon recording of the
 6 judgment. This section does not apply to attachments, levies of
 7 execution, or to proceedings for the probate of wills, or for
 8 administration in a probate court; provided that in case notice
 9 of the pendency of the action has been duly registered it is
 10 sufficient to register the judgment in the action within sixty
 11 days after the rendition thereof.

12 As used in this chapter "judgment" includes an order or
 13 decree having the effect of a judgment.

14 Notice of the pendency of an action in a United States
 15 District Court, as well as a court of the State of Hawaii, may
 16 be recorded."

17 SECTION 7. Section 502-33, Hawaii Revised Statutes, is
 18 amended to read as follows:

19 **"§502-33 Identification of reference to registration of**
 20 **original.** The registrar shall not record any instrument
 21 requiring a reference to a prior recorded instrument, unless the
 22 same contains a reference to the book and page or document

1 number of the registration of the original recorded instrument
2 or a statement that the original instrument is unrecorded, as
3 the case may be. Except as otherwise provided, every judgment
4 shall contain or have endorsed on it the social security number,
5 State of Hawaii general excise taxpayer identification number,
6 or federal employer identification number for persons,
7 corporations, partnerships, or other entities against whom the
8 judgment is rendered[-]; provided that where a judgment contains
9 or is endorsed with the social security number, the number shall
10 be redacted so that only the last four digits of the number are
11 legible or readable. If the judgment debtor has no social
12 security number, State of Hawaii general excise taxpayer
13 identification number, or federal employer identification
14 number, or if that information is not in the possession of the
15 party seeking registration of the judgment, the judgment shall
16 be accompanied by a certificate that provides that the
17 information does not exist or is not in the possession of the
18 party seeking registration of the judgment. Failure to disclose
19 or disclosure of an incorrect social security number, State of
20 Hawaii general excise taxpayer identification number, or federal
21 employer identification number shall not in any way adversely
22 affect or impair the lien created upon registration of the

1 judgment. No amendment, continuation statement, termination
2 statement, statement of assignment, or statement of release
3 relating to security interests in goods which are or are to
4 become fixtures shall be filed unless it complies with the
5 requirements of part 5 of Article 9 of the Uniform Commercial
6 Code. This section does not apply to any document mentioned
7 herein executed prior to April 13, 1915."

8 SECTION 8. Section 504-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§504-1 Registration of federal judgments.** Judgments of
11 United States courts may be registered, recorded, docketed, and
12 indexed in the bureau of conveyances or with the assistant
13 registrar of the land court in the same manner as judgments of
14 the courts of the State. Except as otherwise provided, every
15 judgment shall contain or have endorsed on it the social
16 security number, State of Hawaii general excise taxpayer
17 identification number, or federal employer identification number
18 for persons, corporations, partnerships, or other entities
19 against whom the judgment is rendered[-]; provided that where a
20 judgment contains or is endorsed with the social security
21 number, the number shall be redacted so that only the last four
22 digits of the number are legible or readable. If the judgment



1 debtor has no social security number, State of Hawaii general
 2 excise taxpayer identification number, or federal employer
 3 identification number, or if that information is not in the
 4 possession of the party seeking the registration, recordation,
 5 docketing, or indexing of the judgment, the judgment shall be
 6 accompanied by a certificate that provides that the information
 7 does not exist or is not in the possession of the party seeking
 8 registration, recordation, docketing, or indexing of the
 9 judgment. Failure to disclose or disclosure of an incorrect
 10 social security number, State of Hawaii general excise taxpayer
 11 identification number, or federal employer identification number
 12 shall not in any way adversely affect or impair the lien created
 13 upon the registration, recordation, docketing, or indexing of
 14 the judgment."

15 SECTION 9. Section 636-3, Hawaii Revised Statutes, is
 16 amended to read as follows:

17 "**§636-3 Judgment, lien when.** Any money judgment or decree
 18 of a state court or the United States District Court for the
 19 District of Hawaii shall be a lien upon real property when a
 20 copy thereof, certified as correct by a clerk of the court where
 21 it is entered, is recorded in the bureau of conveyances. No
 22 such lien shall continue beyond ten years after the date of the

1 judgment. Except as otherwise provided, every judgment shall
2 contain or have endorsed on it the social security number, State
3 of Hawaii general excise taxpayer identification number, or
4 federal employer identification number for persons,
5 corporations, partnerships, or other entities against whom the
6 judgment is rendered[-]; provided that where a judgment contains
7 or is endorsed with the social security number, the number shall
8 be redacted so that only the last four digits of the number are
9 legible or readable. If the judgment debtor has no social
10 security number, State of Hawaii general excise taxpayer
11 identification number, or federal employer identification
12 number, or if that information is not in the possession of the
13 party seeking registration of the judgment, the judgment shall
14 be accompanied by a certificate that provides that the
15 information does not exist or is not in the possession of the
16 party seeking recordation of the judgment. Failure to disclose
17 or disclosure of an incorrect social security number, State of
18 Hawaii general excise taxpayer identification number, or federal
19 employer identification number shall not in any way adversely
20 affect or impair the lien created upon recordation of the
21 judgment. When any such judgment is fully paid, the creditor or
22 the creditor's attorney of record in the action shall, at the

1 expense of the debtor, execute, acknowledge, and deliver to the
2 debtor a satisfaction thereof, which may be recorded in the
3 bureau. Every satisfaction or assignment of judgment shall
4 contain a reference to the book and page or document number of
5 the registration of the original judgment. The recording fees
6 for a judgment and for each assignment or satisfaction of
7 judgment shall be as provided by section 502-25.

8 In the case of registered land, section 501-102 and
9 sections 501-241 to 501-248 shall govern."

10 SECTION 10. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 11. This Act shall take effect on July 1, 2050.

PROPOSED

Report Title:

Identity Theft; Family Court Records; Judgments

Description:

Requires that the first five digits of an individual's social security number contained in family court records or judgments affecting title to land be redacted before the records or judgments are released for public inspection. (SD2)

