

Honolulu, Hawaii

April 28, 2006

RE: H.B. No. 3244
H.D. 1
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 3244, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IDENTITY THEFT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to protect Hawaii's citizens from identity theft by:

- (1) Changing the name of the Hawaii Anti-Phishing Task Force to the Identity Theft Task Force (Task Force);
- (2) Extending the life of the Task Force to December 31, 2007;
- (3) Expanding Task Force responsibilities from prevention of electronic commerce-based crimes to prevention of identity theft;



- (4) Adding additional members to the Task Force;
- (5) Providing that the Auditor rather than the Attorney General (AG) is to provide research and support services to the Task Force and appropriating funds for this purpose; and
- (6) Appropriating funds to the AG to develop a uniform system of tracking identity theft crimes, fund community outreach about identity theft, and investigate the nexus between methamphetamine use and identity theft.

In 2005, the Hawaii Anti-Phishing Task Force was established to develop state policy on how best to prevent further occurrences of phishing and other forms of electronic commerce-based crimes in the state. Its recommendations focused primarily on providing better law enforcement tools to prosecute identity theft, and determining how to better protect personal information contained in public records. In the course of its discussions, the Task Force recognized that it needed to broaden its focus from phishing scams to the more pervasive problem of identity theft, and determined that identity theft was a more serious problem than was previously recognized.

Your Committee on Conference has amended this measure to:

- (1) Change the Task Force membership by:
 - (A) Removing the Consumer Data Industry Association representative;
 - (B) Adding two members to represent consumer and business organizations; and
 - (C) Removing the requirement that members of the Hawaii Senate and House of Representatives be appointed to the Task Force;
- (2) Require the Task Force to:
 - (A) Consider protections for records of both state and county government agencies in Hawaii;
 - (B) Establish a timetable for the removal of personal identifying information from public records in Hawaii;



- (C) Review the current practices of other jurisdictions associated with the use and disclosure of government records containing social security numbers;
 - (D) Review the current volume of these government records and likely future increase or decrease in the volume of these records; and
 - (E) Review the practicability of any proposed mandatory redaction for certain types of records or documents, and its impact on resources needed to implement the redaction;
- (3) Require the Task Force to identify and recommend solutions to social security number protection issues, including the sale, lease, trade, rent, or otherwise intentional release of an individual's social security number to a third party;
 - (4) Insert a specific appropriation to the Auditor for research and support services, of \$50,000;
 - (5) Insert a specific appropriation to the AG for the development of a uniform system of tracking identity theft crimes, of \$50,000;
 - (6) Delete the appropriation to the AG for community outreach about identity theft;
 - (7) Delete the appropriation to the AG for a study on the nexus between methamphetamine use and identity theft; and
 - (8) Make nonsubstantive, technical amendments for style and consistency.

Your Committee on Conference finds that the amendments and appropriations made by this bill will allow the Task Force to make more comprehensive and effective recommendations on how the State can better protect Hawaii's citizens from identity theft, and enable the AG to compile information about identity theft crimes that may be used to further enhance these protections.

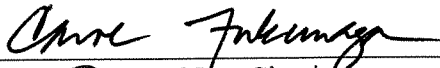


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 3244, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 3244, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

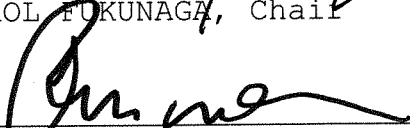
ON THE PART OF THE HOUSE




CAROL FUKUNAGA, Chair



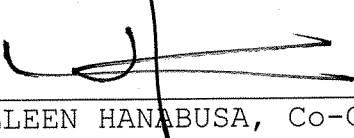
ROBERT N. HERKES, Co-Chair



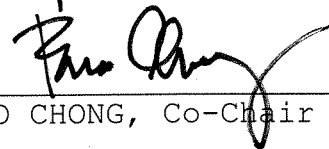
RON MENOR, Co-Chair



SYLVIA LUKE, Co-Chair



COLLEEN HANABUSA, Co-Chair



PONO CHONG, Co-Chair



BRIAN T. TANIGUCHI, Co-Chair



