

Honolulu, Hawaii

Feb 15, 2006

RE: H.B. No. 3244
H.D. 1

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

Sir:

Your Committees on Consumer Protection & Commerce and
Judiciary, to which was referred H.B. No. 3244 entitled:

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

beg leave to report as follows:

The purpose of this bill is to prevent identity theft by:

- (1) Prohibiting as a violation, the mailing of unsolicited credit card offers; and
- (2) Making possession of another's mail with intent to commit identity theft a class C felony.

Your Committees have replaced the contents of this bill with the contents of H.B. No. 3245 to take advantage of this bill's broader title. Your Committees note that there are other measures currently moving through the Legislature that address the same mail identity theft issues removed from this bill.

The purpose of this bill, as amended, is to prevent identity theft in Hawaii by:

- (1) Changing the name of the Hawaii Anti-phishing Task Force, to the Joint Legislative Identify Theft Task Force (Task Force)



- (2) Expanding the Task Force responsibility for examining options to prevent electronic commerce-based crimes, to include:
 - (A) Safeguarding and protecting all personal identifying information collected by the State;
 - (B) Identifying identity theft prevention best practices in other jurisdictions; and
 - (C) Establishing a timetable for the immediate removal of personal identifying information from public records;
- (3) Increasing the Task Force membership from 11 to 15 by adding the Chief Justice, and representatives of the County Police Departments, Hawaii Prosecuting Attorneys' Association, and U.S. Postal Service;
- (4) Having the Legislative Reference Bureau, rather than the Department of the Attorney General provide support services;
- (5) Extending the life of the Task Force to June 30, 2007; and
- (6) Appropriating funds for Task Force travel expenses.

Testimony on the contents of this bill, in the form of H.B. No. 3245, included the Department of Commerce and Consumer, Hawaii Bankers Association, and Hawaii Financial Services Association supported this bill. The Judiciary supported the intent of this measure. The Legislative Reference Bureau commented on the bill.

Your Committees have amended this bill to expand the Task Force membership to 18 by including a representative of:

- (1) The Chamber of Commerce of Hawaii;
- (2) The Consumer Data Industry Association; and
- (3) The National Federation of Independent Business.

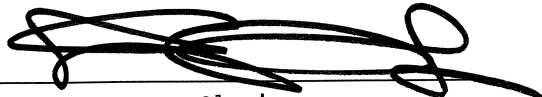


Amendments were also made to the requirement that the Speaker of the House of Representatives and the President of the Senate each appoint two members of their respective legislative houses, by removing the restriction that the appointees be members of the House or Senate.

In addition, technical, nonsubstantive amendments were made for clarity, consistency, and style.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3244, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 3244, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committees on Consumer
Protection & Commerce and
Judiciary,



SYLVIA LUKE, Chair



ROBERT N. HERKES, Chair



