

STAND. COM. REP. NO.

3306

Honolulu, Hawaii

APR - 5 2006

RE: H.B. No. 2535
S.D. 2

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

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2535, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of use of a computer in the commission of a separate crime by including the use of a computer to obtain control over the property of the victim or to facilitate commission of the offense as a theft in the first or second degrees.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney for the City and County of Honolulu (Prosecuting Attorney) and the Honolulu Police Department. The Office of the Public Defender submitted testimony in opposition to this measure.

Your Committee finds that the use of a computer to commit theft is a growing problem in Hawaii and the number of crimes that are perpetrated over the Internet is increasing. Your Committee further finds that by amending section 708-893, Hawaii Revised Statutes, will enable law enforcement to respond more efficiently to computer crime in its various forms.

Your Committee has amended this measure in accordance with testimony from the Prosecuting Attorney to clarify that the mental state of "intentional" use of a computer to obtain control over

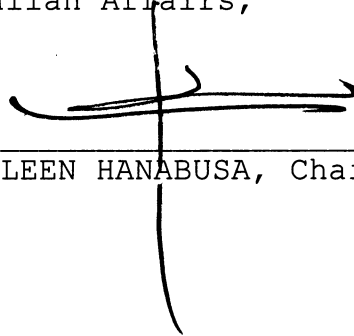
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the property of a victim only applies to the offense of theft in the first or second degree.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2535, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2535, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



