

Honolulu, Hawaii

APRIL 27, 2006RE: S.B. No. 2159
S.D. 2
H.D. 1
C.D. 1

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

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

Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2159, S.D. 2, H.D. 1, 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 increase protections for personal information by making it a class C felony to steal three or more items of mail belonging to three or more unrelated persons in the same or separate incident as part of a common scheme or plan.

Hawaii law enforcement has found it difficult to curb the rise in identity theft-related crimes, as identity thieves in possession of personal information who have not yet caused a monetary loss to the victim cannot be prosecuted for crimes other than petty misdemeanor thefts. Your Committee on Conference finds that increasing the penalties for identity theft will help deter identity theft crimes in Hawaii.

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Your Committee on Conference has amended this measure by replacing its substance with the language from S.B. No. 2159, S.D. 2. The language from the S.D. 2 increases the protection of personal information by making it a class C felony to intentionally or knowingly possess confidential information of another without authorization, and by adding identity theft as an enumerated offense within the repeat offender statute.

Your Committee on Conference has further amended this measure by adopting language suggested by the Department of the Attorney General and amending the new section in chapter 708 by clarifying that the affirmative defense involves possession of confidential personal information, and not just confidential information. Furthermore, the effective date was changed from January 1, 2020, to take effect upon approval, and nonsubstantive, technical amendments were made for style and consistency.

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 S.B. No. 2159, S.D. 2, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2159, S.D. 2, H.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE




ROBERT N. HERKES, Co-Chair



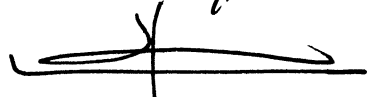
RON MENOR, Chair



SYLVIA LUKE, Co-Chair



CAROL FUKUNAGA, Co-Chair



COLLEEN HANABUSA, Co-Chair



