

MAR 13 2008

SENATE RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO EXAMINE CYBERCRIME IN HAWAII.

1 WHEREAS, "cybercrime" refers to criminal activity in which
2 the computer or network is an essential part of the crime, and
3 also includes traditional crimes in which computers or networks
4 are used to enable the illicit activities; and
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6 WHEREAS, the Internet Crime Complaint Center or IC3, a
7 partnership of the Federal Bureau of Investigation and the
8 National White Collar Crime Center, in 2007 released its latest
9 annual report on victims' complaints received and referred to
10 law enforcement; and
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12 WHEREAS, while in that report, internet retail fraud, such
13 as auction fraud, non-delivered merchandise or payment, check
14 fraud, credit and debit card fraud, computer fraud, confidence
15 fraud, and financial institutions fraud represent the greatest
16 number of complaints, more chilling trends are emerging; and
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18 WHEREAS, the IC3 posted an alert in December 2006,
19 regarding e-mails claiming that the sender had been paid to kill
20 the recipient and would cancel the contract on the recipient's
21 life if the recipient paid a large sum of money; and
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23 WHEREAS, cyberstalking - threatening behavior or unwanted
24 advances directed at another using the Internet and other forms
25 of online and computer communications - is a relatively new but
26 growing phenomenon; and
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28 WHEREAS, cyberstalkers target their victims through chat
29 rooms, message boards, discussion forums, and e-mail that takes
30 many forms, including threatening or obscene e-mail; spamming
31 (in which a stalker sends a victim a multitude of junk e-mail);
32 live chat harassment or flaming (online verbal abuse); leaving
33 improper messages on message boards or in guest books; sending
34 electronic viruses; sending unsolicited e-mail; tracing another
35 person's computer and internet activity, and electronic identity
36 theft; and
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1 WHEREAS, cyberstalking through cell phones and text
2 messaging is a growing threat for children and teens, and a
3 troubling new twist on bullying and "date abuse"; and
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5 WHEREAS, children and young adults are particularly
6 vulnerable to this terrifying experience for victims, placing
7 them at risk of psychological trauma, and possible physical
8 harm; and
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10 WHEREAS, cyberstalking situations do evolve into off-line
11 stalking, and a victim may experience abusive and excessive
12 phone calls, vandalism, threatening or obscene mail,
13 trespassing, and physical assault; and
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15 WHEREAS, in Hawaii, since April 2007, a number of Hawaii
16 attorneys have been the victims of cyberstalking, and have
17 received thousands of e-mails from an anonymous sender that
18 contained false, derogatory, and defamatory messages, and these
19 e-mails were also being sent to people outside the legal
20 community and falsely identified as coming from specific
21 attorneys; now, therefore,
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23 BE IT RESOLVED by the Senate of the Twenty-fourth
24 Legislature of the State of Hawaii, Regular Session of 2008,
25 that the Attorney General is requested to examine cybercrime in
26 Hawaii, including but not limited to:
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- 28 (1) Spamming and criminal copyright crimes, particularly
29 those facilitated through peer-to-peer networks;
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- 31 (2) Unauthorized access (i.e., defeating access controls),
32 malicious code, and denial-of-service attacks;
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- 34 (3) Theft of service (in particular, telecom fraud) and
35 certain financial frauds;
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- 37 (4) "Traditional crimes" facilitated through the use of
38 computers or networks include gullibility or social
39 engineering frauds (e.g., hacking "phishing", identity
40 theft, child pornography, online gambling, securities
41 fraud, etc.); and
42
- 43 (5) Cyberstalking, particularly through cell phones and
44 text messaging of children and teens; and



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 2 BE IT FURTHER RESOLVED that the Attorney General is
 3 requested to submit a report on its findings and recommendations
 4 to the Legislature no later than twenty days prior to the
 5 Regular Session of 2009 on the results of the examination of
 6 cybercrime in Hawaii and any recommendations for amendments or
 7 additions to Hawaii law that may be necessary to deter and
 8 punish cybercrime; and
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10 BE IT FURTHER RESOLVED that a certified copy of this
 11 Resolution be transmitted to the Attorney General.
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