

FEB 02 2009

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 (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, although the report indicated that internet retail
13 fraud, such as auction fraud, non-delivered merchandise or
14 payment, check fraud, credit and debit card fraud, computer
15 fraud, confidence fraud, and fraud against financial
16 institutions represent the greatest number of complaints, more
17 chilling trends are emerging; and
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19 WHEREAS, the IC3 posted an alert in December 2006 regarding
20 electronic mail claiming that the sender had been paid to kill
21 the recipient and would cancel the contract on the recipient's
22 life if the recipient paid a large sum of money; and
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24 WHEREAS, cyberstalking--threatening behavior or unwanted
25 advances directed at another using the Internet and other forms
26 of online and computer communications--is a relatively new but
27 growing phenomenon; and
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29 WHEREAS, cyberstalkers target their victims through chat
30 rooms, message boards, discussion forums, and electronic mail
31 that takes many forms, including threatening or obscene
32 electronic mail; spamming (in which a stalker sends a victim a
33 multitude of junk electronic mail); live chat harassment or
34 flaming (online verbal abuse); leaving improper messages on
35 message boards or in guest books; sending electronic viruses;
36 sending unsolicited electronic mail; tracing another person's



1 computer and internet activity; and electronic identity theft;
2 and

3
4 WHEREAS, cyberstalking through cellular phones and text
5 messaging is a growing threat for children and teenagers, and a
6 troubling new twist on bullying and "date abuse"; and

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8 WHEREAS, children and young adults are particularly
9 vulnerable to this terrifying experience for victims, placing
10 them at risk of psychological trauma and possible physical harm;
11 and

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13 WHEREAS, cyberstalking situations do evolve into off-line
14 stalking, and a victim may experience abusive and excessive
15 phone calls, vandalism, threatening or obscene mail,
16 trespassing, and physical assault; and

17
18 WHEREAS, in Hawaii, since April 2007, a number of Hawaii
19 attorneys have been the victims of cyberstalking, and have
20 received thousands of electronic-mail messages from an anonymous
21 sender that contained false, derogatory, and defamatory
22 messages, and these messages were also being sent to people
23 outside the legal community and falsely identified as coming
24 from specific attorneys; now, therefore,

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26 BE IT RESOLVED by the Senate of the Twenty-fifth
27 Legislature of the State of Hawaii, Regular Session of 2009,
28 that the Attorney General is requested to examine cybercrime in
29 Hawaii, including but not limited to:

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- 31 (1) Spamming and criminal copyright crimes, particularly
32 those facilitated through peer-to-peer networks;
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 - 34 (2) Unauthorized access (e.g., defeating access controls),
35 malicious code, and denial-of-service attacks;
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 - 37 (3) Theft of service (in particular, telecommunications
38 fraud) and certain financial frauds;
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 - 40 (4) "Traditional crimes" facilitated through the use of
41 computers or networks, including gullibility or social
42 engineering frauds (e.g., hacking, "phishing",
43 identity theft, child pornography, online gambling,
44 securities fraud);



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- 1 (5) Cyberstalking, particularly through cellular phones
- 2 and text messaging of children and teenagers; and
- 3
- 4 (6) Cyberstalking involving electronic mail containing
- 5 false, derogatory, harassing, or defamatory messages,
- 6 or those in which the sender pretends the messages are
- 7 written by a person other than the sender;
- 8

9 and

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11 BE IT FURTHER RESOLVED that the Attorney General is
12 requested to submit a report on its findings and recommendations
13 to the Legislature no later than twenty days prior to the
14 Regular Session of 2010 on the results of the examination of
15 cybercrime in Hawaii and any recommendations for amendments or
16 additions to Hawaii law that may be necessary to deter and
17 punish cybercrime; and

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19 BE IT FURTHER RESOLVED that a certified copy of this
20 Resolution be transmitted to the Attorney General.

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OFFERED BY: *Thomas Chun Adkins*

