
A BILL FOR AN ACT

RELATING TO COMPUTER SECURITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part IX to be appropriately
3 designated and to read as follows:

4 "§707- Deceptive installation of computer software.

5 (1) A person commits the offense of deceptive installation of
6 computer software if the person is not an authorized user of a
7 computer and:

8 (a) Induces an authorized user to install a software
9 component onto the computer by intentionally
10 misrepresenting that installing software is necessary
11 for security or privacy reasons or to open, view,
12 play, or use a particular type of content; or

13 (b) Deceptively causes the copying and execution on the
14 computer of a computer software component with the
15 intent of causing an authorized user to use the
16 component in a way that violates any provision of this
17 chapter.



1 (2) Deceptive installation of computer software is a class
2 C felony.

3 (3) The attorney general may bring a civil action on
4 behalf of the State to obtain a civil judgment against any
5 person who violates this section. Any person against whom a
6 civil judgment is entered pursuant to this subsection shall be
7 subject to:

8 (a) A civil penalty of up to \$100 per violation, or up to
9 \$100,000 for a pattern or practice of violations;

10 (b) Costs and reasonable attorney's fees; and

11 (c) An order to enjoin the violation."

12 SECTION 2. Section 708-890, Hawaii Revised Statutes, is
13 amended by adding a new definition to be appropriately inserted
14 and to read as follows:

15 "Computer software" means a sequence of instructions
16 written in any programming language that is executed on a
17 computer. The term shall not include a text or data file, a web
18 page, or a data component of a web page that is not executable
19 independently of the web page."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 4. New statutory material is underscored.

2 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: Jim Keenan BR
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JAN 20 2010



Report Title:

Computer Crimes; Unauthorized Installation of Software

Description:

Makes it a class C felony for an unauthorized user of a computer to cause installation of software through misrepresentation or deception. Authorizes the attorney general to seek civil damages and injunctive relief.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

