
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 "§708- 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 computer
9 software component onto the computer by intentionally
10 misrepresenting that software installation is

11 necessary for security or privacy reasons or to open,
12 view, 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 part.



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 (4) For purposes of this section, "computer software"
13 means a sequence of instructions written in any programming
14 language that is executed on a computer. The term shall not
15 include a text or data file, a web page, or a data component of
16 a web page that is not executable independently of the web
17 page."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take on December 21, 2058.



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 computer software through misrepresentation or deception. Authorizes the attorney general to seek civil damages and injunctive relief.

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