

JAN 23 2009

A BILL FOR AN ACT

RELATING TO CYBERCRIME.

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

1 SECTION 1. The rapidly increasing use of computers and the
2 rise of the Internet have irreversibly changed modern life.
3 They have spawned both new opportunities as well as new risks.
4 Cybercrime, which did not exist just a few decades ago, now
5 poses a significant threat to public safety.

6 Cybercrime refers to criminal activity in which a computer
7 or computer network is an essential part of the crime and also
8 includes traditional crimes in which computers or networks are
9 used to enable the illegal activities. Neither Hawaii nor the
10 rest of the United States is immune from the dangers of
11 cybercrime.

12 The purpose of this Act is to establish the Hawaii
13 cybercrime task force, including appropriating funds for the
14 formation and operation of the task force.

15 SECTION 2. (a) There is established the Hawaii cybercrime
16 task force, which shall be placed within the department of the
17 attorney general for administrative purposes.



1 (b) The task force shall consist of the following members:

2 (1) The attorney general, or the attorney general's
3 designee;

4 (2) The prosecuting attorneys of the counties of
5 Hawaii, Kauai, and Maui and the city and county
6 of Honolulu, or their designees;

7 (3) The chiefs of police of the counties of Hawaii,
8 Kauai, and Maui and the city and county of
9 Honolulu, or their designees;

10 (4) Three members selected by the speaker of the
11 house of representatives; and

12 (5) Three members selected by the president of the
13 senate.

14 (c) The members of the task force shall select a
15 chairperson from among themselves.

16 (d) The task force members shall serve without
17 compensation but shall be reimbursed for expenses, including
18 travel expenses, incurred in the performance of their official
19 duties.

20 (e) The task force shall study the problem of cybercrime
21 in Hawaii, including:



- 1 (1) Spamming and criminal copyright crimes,
2 particularly those facilitated through peer-to-
3 peer networks;
- 4 (2) Unauthorized access (e.g., defeating access
5 controls), malicious code, and denial-of-service
6 attacks;
- 7 (3) Theft of service (in particular,
8 telecommunications fraud) and certain financial
9 frauds;
- 10 (4) "Traditional crimes" facilitated through the use
11 of computers or computer networks, including
12 gullibility or social engineering frauds (e.g.,
13 hacking, "phishing", identity theft, child
14 pornography, online gambling, and securities
15 fraud);
- 16 (5) Cyberstalking, particularly through cellular
17 phones and text messaging of children and
18 teenagers; and
- 19 (6) Cyberstalking involving electronic mail
20 containing false, derogatory, harassing, or
21 defamatory messages, or those in which the sender



1 pretends the messages are written by a person
2 other than the sender.

3 (f) The task force shall submit a report to the
4 legislature, including proposed legislation, on the results of
5 the study specified in section 2(e) no later than twenty days
6 prior to the convening of the regular session of 2010.

7 (g) The task force shall cease to exist on June 30, 2010.

8 SECTION 3. There is appropriated out of the general
9 revenues of the State of Hawaii the sum of \$ or so much
10 thereof as may be necessary for fiscal year 2009-2010 to achieve
11 the objectives of the Hawaii cybercrime task force.

12 SECTION 4. This Act shall take effect on July 1, 2009.

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INTRODUCED BY: Thomas Chun Oakland
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Report Title:

Hawaii Cybercrime Task Force

Description:

Establishes a Hawaii Cybercrime Task Force to examine the problem of cybercrime in the state.

