

STAND. COM. REP. NO.

1048

Honolulu, Hawaii

MAR 27 2009

RE: H.B. No. 1751
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Economic Development and Technology, to which was referred H.B. No. 1751, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMMUNICATIONS FRAUD,"

begs leave to report as follows:

The purpose of this measure is to help protect communication service providers by:

- (1) Establishing the offenses of communication service fraud in the first and second degrees; and
- (2) Providing civil remedies for communication service fraud.

Testimony in support of this measure was submitted by the Department of Commerce and Consumer Affairs and Oceanic Time Warner Cable. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that enacting civil remedies against perpetrators of communications service fraud will enable those communication service providers that are victimized to have a civil course of action against those perpetrators. Your Committee also finds that the establishment of the offense of communications service fraud in the first and second degrees will likely reduce the illegal use of the services provided by the communication service providers.

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Your Committee has amended this measure by:

- (1) Placing the new civil remedies available to communication service providers against perpetrators of communication service fraud in a new chapter in title 36, Hawaii Revised Statutes, rather than as a new part in chapter 440G, Hawaii Revised Statutes, so that civil remedies available to the victims of communication service fraud are more far reaching to various types of communications; and
- (2) Making technical, nonsubstantive amendments for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1751, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1751, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

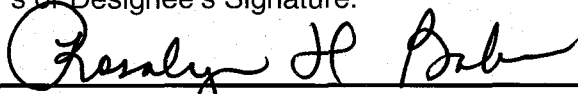
Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,


CAROL FUKUNAGA, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* HB1751, HD1	Committee Referral: EDT, J60	Date: 3-20-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
HEE, Clayton				✓
IGE, David Y.	✓			
SLOM, Sam	✓			
TOTAL	4	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes