

STAND. COM. REP. NO.

2134

Honolulu, Hawaii

FEB 10 2010

RE: S.B. No. 2664

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2010
State of Hawaii

Madam:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 2664 entitled:

"A BILL FOR AN ACT RELATING TO IDENTITY THEFT,"

begs leave to report as follows:

The purpose of this measure is to amend the offenses of identity theft and the definition of "personal information" in chapter 708, Hawaii Revised Statutes, to clarify that the offenses of identity theft include the transmission of personal information of an actual person, alive or dead, or a fictitious person.

Testimony in support of this measure was submitted by the Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; Police Department, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kauai; and Office of the Prosecuting Attorney, County of Hawaii.

Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will help protect the public from being victimized by offenders who use the personal information of fictitious or dead persons to commit identity theft. As a result of the Hawaii Supreme Court's decision in State v. Woodfall, 120 Haw. 387 (2009), state and county prosecutors currently cannot pursue identity theft cases involving the transmission of personal information of a fictitious person. Identity Theft in the Second Degree currently requires the transmission of personal information of an actual person,




regardless of the definition of "personal information." This measure resolves the conflict by amending the definition of "personal information", and clarifying the provisions of Identity Theft in the First, Second, and Third Degrees.

Your Committee is in strong support of this measure to strengthen Hawaii's identity theft law.

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 S.B. No. 2664 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Government Operations.

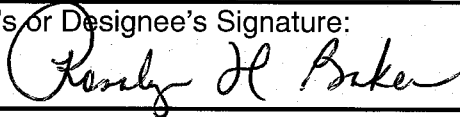
Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,


CAROL FUKUNAGA, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* <i>SB 2664</i>	Committee Referral: <i>EDT, JGO</i>	Date: <i>2-8-2010</i>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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	<i>3</i>	<i>-</i>	<i>-</i>	<i>2</i>
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