



GOV. MSG. NO. 1410

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 09, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

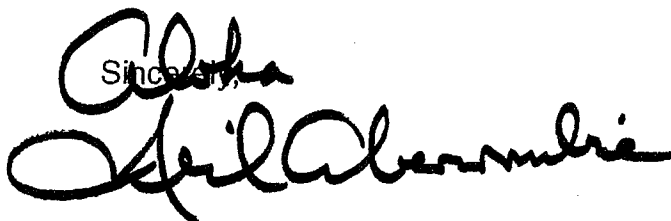
Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 09, 2012, the following bill was signed into law:

HB1788 HD2 SD1 CD1

RELATING TO COMPUTER CRIME.

Act 293 (12)

Sincerely,


NEIL ABERCROMBIE
Governor, State of Hawaii

A BILL FOR AN ACT

RELATING TO COMPUTER CRIME.

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- Computer fraud in the third degree. (1) A
5 person commits the offense of computer fraud in the third degree
6 if the person knowingly accesses a computer, computer system, or
7 computer network with the intent to commit the offense of theft
8 in the third or fourth degree.

9 (2) Computer fraud in the third degree is a class C
10 felony."

11 SECTION 2. Section 708-891, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "[~~§~~708-891~~]~~ **Computer fraud in the first degree.** (1)

14 A person commits the offense of computer fraud in the first
15 degree if the person knowingly~~[, and with intent to defraud,~~
16 ~~accesses a computer without authorization and, by means of such~~
17 ~~conduct, obtains or exerts control over the property of another.~~



1 ~~(2) In a prosecution for computer fraud in the first~~
2 ~~degree, it is a defense that the object of the fraud and the~~
3 ~~property obtained consists only of the use of the computer and~~
4 ~~the value of such use is not more than \$300 in any one-year~~
5 ~~period.] accesses a computer, computer system, or computer~~
6 ~~network with the intent to commit the offense of theft in the~~
7 ~~first degree.~~

8 ~~[(3)]~~ (2) Computer fraud in the first degree is a class [B]
9 A felony."

10 SECTION 3. Section 708-891.5, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "~~[+]~~**\$708-891.5**~~[+]~~ **Computer fraud in the second degree.**

13 (1) A person commits the offense of computer fraud in the
14 second degree if the person knowingly~~[, and with the intent to~~
15 ~~defraud, transfers, or otherwise disposes of, to another, or~~
16 ~~obtains control of, with the intent to transfer or dispose of,~~
17 ~~any password or similar information through which a computer,~~
18 ~~computer system, or computer network may accessed.] accesses a~~
19 ~~computer, computer system, or computer network with the intent~~
20 ~~to commit the offense of theft in the second degree.~~

21 (2) Computer fraud in the second degree is a class [E] B
22 felony."



1 SECTION 4. Section 708-895.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "[+]§708-895.5[+] **Unauthorized computer access in the**
4 **first degree.** (1) A person commits the offense of unauthorized
5 computer access in the first degree if the person knowingly
6 accesses a computer, computer system, or computer network
7 without authorization and thereby obtains information, and:

8 (a) The offense was committed for the purpose of
9 commercial or private financial gain;

10 (b) The offense was committed in furtherance of any other
11 crime;

12 (c) The value of the information obtained exceeds
13 [~~\$5,000~~] \$20,000; or

14 (d) The information has been determined by statute or rule
15 of court to require protection against unauthorized
16 disclosure.

17 (2) Unauthorized computer access in the first degree is a
18 class [B] A felony."

19 SECTION 5. Section 708-895.6, Hawaii Revised Statutes, is
20 amended to read as follows:

21 "[+]§708-895.6[+] **Unauthorized computer access in the**
22 **second degree.** (1) A person commits the offense of



1 unauthorized computer access in the second degree if the person
2 knowingly accesses a computer, computer system, or computer
3 network without authorization and thereby obtains information.

4 (2) Unauthorized computer access in the second degree is a
5 class [E] B felony."

6 SECTION 6. Section 708-895.7, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " [+]§708-895.7[+] **Unauthorized computer access in the**
9 **third degree.** (1) A person commits the offense of unauthorized
10 computer access in the third degree if the person knowingly
11 accesses a computer, computer system, or computer network
12 without authorization.

13 (2) Unauthorized computer access in the third degree is a
14 [~~misdemeanor-~~] class C felony."

15 SECTION 7. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 8. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 9. This Act shall take effect upon its approval.



H.B. NO. 1788
H.D. 1
S.D. 1
C.D. 1

APPROVED this 9 day of JUL , 2012

Neil Abercrombie

GOVERNOR OF THE STATE OF HAWAII