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# A BILL FOR AN ACT

RELATING TO COMPUTER CRIMES.

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

1           SECTION 1. Section 708-891, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           "(1) A person commits the offense of computer fraud in the  
4 first degree if the person knowingly, and with intent to  
5 defraud, accesses a computer [~~without authorization~~] and, by  
6 means of such conduct, obtains or exerts control over the  
7 property of another."

8           SECTION 2. Section 708-893, Hawaii Revised Statutes, is  
9 amended by amending subsection (1) to read as follows:

10           "(1) A person commits the offense of use of a computer in  
11 the commission of a separate crime if the person:

12           (a) Intentionally uses a computer to [~~obtain control over~~  
13 ~~the property of the victim to~~] commit theft in [~~the~~  
14 ~~first or second~~] any degree; or

15           (b) Knowingly uses a computer to identify, select,  
16 solicit, persuade, coerce, entice, induce, or procure  
17 the victim or intended victim of the following  
18 offenses:



- 1           (i) Section 707-726, relating to custodial
- 2                   interference in the first degree;
- 3           (ii) Section 707-727, relating to custodial
- 4                   interference in the second degree;
- 5           (iii) Section 707-731, relating to sexual assault in
- 6                   the second degree;
- 7           (iv) Section 707-732, relating to sexual assault in
- 8                   the third degree;
- 9           (v) Section 707-733, relating to sexual assault in
- 10                  the fourth degree;
- 11           (vi) Section 707-751, relating to promoting child
- 12                   abuse in the second degree; or
- 13           (vii) Section 712-1215, relating to promoting
- 14                   pornography for minors."

15           SECTION 3. 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 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.



# H.B. NO. 2761

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Stacy Perry*

JAN 25 2012



# H.B. NO. 2761

**Report Title:**

Computer Fraud in the First Degree; Use of a Computer in the Commission of a Separate Crime; Theft in the Third and Fourth Degree

**Description:**

Amends the computer fraud in the first degree statute to remove the requirement that the offender accesses a computer without authorization. Amends the use of a computer in the commission of a separate crime statute to (1) remove the requirement that an offender obtain control over the property of a victim, and (2) include all degrees of theft.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

