

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO COMPUTER FRAUD.

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

1           SECTION 1. The legislature finds that law enforcement  
2 agencies initiate theft offenses based on the value of the  
3 property taken. However, it is unclear how to put a value on  
4 things such as one's reputation or social security number.  
5 Computers and social networking sites open a person's home to  
6 invasion by anyone with the technical skills to acquire such  
7 personal information. The legislature finds that existing laws  
8 protect a person's home from a physical invasion but do not  
9 sufficiently protect against an electronic invasion through  
10 social networking sites.

11           The purpose of this Act is to amend the offense of computer  
12 fraud in the first degree and to delete the dollar amount  
13 requirement as a defense of the crime.

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

16           "[\+]§708-891[\+] Computer fraud in the first degree. (1)

17 A person commits the offense of computer fraud in the first  
18 degree if the person knowingly, and with intent to defraud,



1 ~~[accesses a computer without authorization and, by means of such~~  
 2 ~~conduct,]~~ obtains or ~~[exerts control over the property of~~  
 3 ~~another.]~~ attempts to obtain confidential personal information  
 4 of another or information relating to the transfer of  
 5 possession, control, or ownership of property of another,  
 6 through communications conducted at least in part by computer.

7 (2) In a prosecution for computer fraud in the first  
 8 degree, it is a defense that the object of the fraud and the  
 9 property obtained consists only of the use of the computer ~~[and~~  
 10 ~~the value of such use is not more than \$300 in any one year~~  
 11 ~~period].~~

12 (3) Computer fraud in the first degree is a class B  
 13 felony."

14 SECTION 3. This Act does not affect rights and duties that  
 15 matured, penalties that were incurred, and proceedings that were  
 16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*Will Espero*  
*Mike Gilbert*  
*Michelle Kudani*



S.B. NO. 2259

*Clarence W. Smith*  
*Fohai Pan*  
*Imelda Pan*  
*Carol Fukunaga*



# S.B. NO. 2259

**Report Title:**

Computer Fraud; Computer Scammers; Social Networking Sites

**Description:**

Amends the offense of computer fraud in the first degree to obtaining or attempting to obtain confidential personal information of another or information relating to the transfer of possession, control, or ownership of property of another, through communication conducted at least in part by computer.

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