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# A BILL FOR AN ACT

RELATING TO 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, and with intent to defraud, accesses a  
7 computer, computer system, or computer network with the intent  
8 to commit the offense of theft 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.~~

6       ~~(3)]~~, computer system, or computer network with the intent  
7 to:

8       (a) Facilitate the commission of a murder in any degree,  
9 any class A felony, kidnapping, unlawful imprisonment  
10 in any degree, extortion in any degree, any offense  
11 under chapter 134, criminal property damage in the  
12 first or second degree, escape in any degree, any  
13 offense under part VI of chapter 710, any offense  
14 under section 711-1103, or any offense under chapter  
15 842; or

16       (b) Commit the offense of theft in the first degree.

17       (2) Computer fraud in the first degree is a class [B] A  
18 felony."

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

21       "**[+]§708-891.5[+]** **Computer fraud in the second degree.**

22       (1) A person commits the offense of computer fraud in the



1 second degree if the person knowingly, and with the intent to  
2 defraud [~~, transfers, or~~]:

3 (a) Accesses a computer, computer system, or computer  
4 network with the intent to commit the offense of theft  
5 in the second degree; or

6 (b) Transfers, or otherwise disposes of, to another, or  
7 obtains control of, with the intent to transfer or  
8 dispose of, any password or similar information  
9 through which a computer, computer system, or computer  
10 network may be accessed.

11 (2) Computer fraud in the second degree is a class [C] B  
12 felony."

13 SECTION 4. This Act does not affect rights and duties that  
14 matured, penalties that were incurred, and proceedings that were  
15 begun before its effective date.

16 SECTION 5. If any provision of this Act, or the  
17 application thereof to any person or circumstance, is held  
18 invalid, the invalidity does not affect other provisions or  
19 applications of the Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions  
21 of this Act are severable.



1           SECTION 6. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.  
3           SECTION 7. This Act shall take effect on July 1, 2012.



**Report Title:**

Computer Fraud; Penalties

**Description:**

Amends computer fraud statutes to capture a broader range of crimes committed through the use of a computer, computer system, or computer network, and increases penalties for all degrees of computer fraud. (SD1)

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

