

Honolulu, Hawaii

March 7, 2012

RE: H.B. No. 1788  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1788 entitled:

"A BILL FOR AN ACT RELATING TO COMPUTER CRIME,"

begs leave to report as follows:

The purpose of this measure is to address cybercrime by, among other things:

- (1) Creating the offenses of computer fraud in the third degree and use of spyware;
- (2) Increasing the grade of offense for computer fraud in the first and second degrees;
- (3) Incorporating the element of phishing into all three computer fraud offenses; and
- (4) Adding new definitions to computer crime.

Two concerned individuals supported this bill. The High Technology Development Corporation opposed this measure. The Hawaiian Electric Company, Maui Electric Company, and Hawaii Electric Light Company provided comments.



Your Committee has amended this measure by adopting a proposed House Draft 1 that:

- (1) Deletes the use of spyware as a separate offense;
- (2) Deletes the definition of "cookie;"
- (3) Incorporates into the new computer fraud offense and existing computer fraud offenses the use of spyware in addition to phishing;
- (4) Incorporates into existing unauthorized computer access offenses phishing and the use of spyware;
- (5) Limits the offenses of unauthorized computer access in the first and second degrees to the acquisition of identifying information;
- (6) Increases the threshold of the value of identifying information obtained under the offense of unauthorized computer access in the first degree from \$5,000 to \$20,000;
- (7) Increases the grades of offense for unauthorized computer access in the first, second, and third degrees;
- (8) Changes the effective date to January 7, 2059, to encourage further discussion; and
- (9) Makes technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1788, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1788, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
\_\_\_\_\_  
GILBERT KEITH-AGARAN, Chair



