

HOUSE OF REPRESENTATIVES
THE TWENTY-SIXTH LEGISLATURE
REGULAR SESSION OF 2012

COMMITTEE ON JUDICIARY
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Rep. Denny Coffinan Rep. George R. Fontaine
Rep. Robert N. Herkes Rep. Barbara C. Marumoto
Rep. Ken Ito Rep. Cynthia Thielen
Rep. Sylvia Luke

NOTICE OF HEARING

DATE: Friday, February 03, 2012
TIME: 2:00 PM
PLACE: Conference Room 325
 State Capitol
 415 South Beretania Street

AGENDA

The Committee will not make a decision on the following bills at this meeting. Notice of decision-making on the following bills may be posted at a later date.

<u>HB 1764</u> <u>(HSCR28-12)</u> <u>Status</u>	RELATING TO THE RESIDENCY OF APPOINTIVE OFFICERS. Allows the waiver of residency requirements for the state or county department heads, deputies or assistants to a department head, when the appointed officer is required to have highly specialized or scientific knowledge or training and a qualified applicant who meets the residency requirement is not available to fill the position.	LAB, JUD
<u>HB 2454</u> <u>Status</u>	RELATING TO THE RAP BACK PROGRAM OF THE HAWAII CRIMINAL JUSTICE DATA CENTER. Allows programs statutorily authorized to obtain criminal history record checks on employment and licensing applicants to participate in the rap back program.	JUD, FIN
<u>HB 2602</u> <u>Status</u>	RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE. Clarifies circumstances under which defendants may earn pretrial credit for time of detention when already serving a sentence for an unrelated offense.	JUD, FIN
<u>HB 2829</u> <u>Status</u>	RELATING TO POST CONVICTION PROCEEDINGS. Establishes a time limitation for filing habeas corpus complaints and post-conviction judicial proceedings. Limits the addition of new claims in successive complaints.	JUD, FIN



<u>HB 1709</u> <u>Status</u>	RELATING TO OFFENSES AGAINST PUBLIC ORDER. Creates a new class C felony offense, aggravated harassment by impersonation. Clarifies that "electronic communication," when used to commit the offense of harassment by impersonation, includes: online chat, instant messaging, and postings; web pages; and social networking web sites.	JUD
<u>HB 2295</u> <u>Status</u>	RELATING TO CYBERBULLYING. Establishes the offense of harassment by cyberbullying. Amends the offense of use of a computer in the commission of a separate crime to include harassment by cyberbullying.	JUD
<u>HB 2841</u> <u>Status</u>	RELATING TO THE UNIFORM INTERSTATE DEPOSITIONS AND DISCOVERY ACT. Enacts the Uniform Interstate Depositions and Discovery Act.	JUD, FIN
<u>HB 1929</u> <u>Status</u>	RELATING TO PRODUCTION OF DOCUMENTS IN CRIMINAL PROCEEDINGS. Amends the definition of summons under Chapter 836, Uniform Act to Secure the Attendance of a Witness From Without a State in Criminal Proceedings, Hawaii Revised Statutes, to include a subpoena duces tecum.	JUD, FIN
<u>HB 1777</u> <u>Status</u>	RELATING TO PRODUCTION OF RECORDS. Adds a new chapter to HRS, allowing district court and circuit court judges to order the production of records by persons or entities located outside of the State of Hawaii, in all criminal cases. Requires that anyone in Hawaii served with criminal process from another state must comply with the criminal process.	JUD, FIN
<u>HB 1776</u> <u>Status</u>	RELATING TO COMMUNICATION SERVICE PROVIDERS. Allows electronic communication service providers to voluntarily disclose electronic communications to a governmental agency where an emergency involving danger of death or serious physical injury to any person requires such disclosure without delay.	JUD
<u>HB 2027</u> <u>Status</u>	RELATING TO COMPUTER CRIME. Adds new definitions to computer crime, including identifying information, malware, phishing, and spyware. Establishes a third degree of computer fraud, and incorporates the element of phishing into all three computer fraud offenses. Amends the offense of unauthorized computer access in the third degree to include distributing or transferring spyware without authorization or by deceptive means.	JUD
<u>HB 1788</u> <u>Status</u>	RELATING TO COMPUTER CRIME. Adds new definitions to computer crime, including cookie, identifying information, phishing, and spyware. Makes it a criminal offense to distribute or transfer spyware that, amongst other things, modifies an authorized user's access to or use of the Internet, or collects the internet addresses visited by an authorized user. Creates a third degree of computer fraud, and incorporates the element of phishing into all three computer fraud offenses.	JUD



HB 2147
Status

RELATING TO COMPUTER CRIME.

JUD

Increases the penalties for: (1) unauthorized computer access in the first degree from a class B felony to a class A felony and increases the required value of information obtained from more than \$5,000 to more than \$20,000; (2) unauthorized computer access in the second degree from a class C felony to a class B felony; and (3) unauthorized computer access in the third degree from a misdemeanor to a class C felony.

HB 1778
Status

RELATING TO UNAUTHORIZED COMPUTER ACCESS.

JUD

Amends sections 708-895.5, 708-895.6, and 708-895.7, to increase unauthorized computer access in the first degree to a class A felony, increase unauthorized computer access in the second degree to a class B felony, and increase unauthorized computer access in the third degree to a class C felony; where unauthorized computer access in the first degree is charged based on the monetary value of information obtained, raises the minimum monetary value to \$20,000.

HB 2271
Status

RELATING TO CRIMES.

JUD, FIN

Creates process for obtaining out-of-state records in criminal cases. Amends computer fraud statute and penalties. Amends unauthorized computer access statute and penalties.

DECISION MAKING TO BE HELD AT A LATER DATE

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing with a transmittal cover indicating:

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the hearing or improperly identified or directed to the incorrect office, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 3 copies (including an original) to Room 302 in the State Capitol;

FAX: For comments less than 5 pages in length, transmit to 586-6211 (for Oahu) or 1-800-535-3859 (for Neighbor Islanders without a computer to submit testimony through e-mail or the Web);

EMAIL: For comments less than 5 pages in length, transmit to JUDtestimony@Capitol.hawaii.gov ; or

WEB: For comments less than 4MB in size, transmit from the Web page at <http://www.capitol.hawaii.gov/submittestimony.aspx>.

Testimony submitted will be placed on the Legislative Web site after the hearing adjourns. This public posting of testimony on the Web site should be considered when including personal information in your testimony.



If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6210 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" Web site at www.capitoltv.org OR call 536-2100.



Rep. Gilbert Keith-Agaran
Chair

