

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

COMMITTEE ON JUDICIARY  
Rep. Gilbert S.C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair

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Rep. Mele Carroll	Rep. Clift Tsuji
Rep. Denny Coffman	Rep. George R. Fontaine
Rep. Robert N. Herkes	Rep. Barbara C. Marumoto
Rep. Ken Ito	Rep. Cynthia Thielen
Rep. Sylvia Luke	

NOTICE OF DECISION MAKING

DATE: Tuesday, February 07, 2012  
TIME: 2:30 PM  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

A G E N D A

The following measure(s) were previously heard on **February 3, 2012**. **No public testimony will be accepted.**

<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.

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](mailto: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.

For further information, please call the Committee Clerk at 586-6210.

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Rep. Gilbert Keith-Agaran  
Chair

