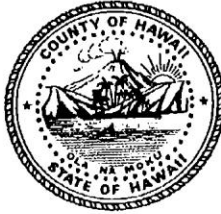


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TESTIMONY IN SUPPORT OF SENATE BILL 2094 SD1

A BILL FOR AN ACT RELATING TO COMPUTER DAMAGE

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice-Chair

Tuesday, March 11, 2:00 PM
State Capitol, Conference Room 325

Honorable Chair Rhoads and Vice-Chair Har, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 2094 SD1.

The purpose of this measure is to redefine the offense of Computer Damage in the First Degree as intentionally causing or attempting to cause damage to a critical infrastructure computer and increases it to a Class A Felony; defines "critical infrastructure computer"; redefines the offense of Computer Damage in the Second Degree; and creates a new offense of Computer Damage in the Third Degree.

The current statute addresses damage made to a computer by another computer, and does not include actual physical damage to a computer. SB2094 SD1 resolves this issue by introducing the new definition for a "critical infrastructure computer" such as a computer, computer network or computer system as it relates to national defense, national security, national economic security, public health or safety, etc.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of Senate Bill No. 2094 SD1. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "M D Roth".

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

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**THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i**

March 11, 2014

RE: S.B. 2094, S.D. 1; RELATING TO COMPUTER DAMAGE.

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of S.B. 2094, S.D. 1.

Currently, Hawai'i's computer damage statutes apply only when a perpetrator uses one computer to damage another computer, such as by hacking or transmitting a computer virus. However, greater protections are needed for "critical infrastructure computers," as damage to these computers jeopardizes public health, safety, and security, regardless of how the damage occurs. In light of this, S.B. 2094, S.D. 1 creates a new offense regarding damage to a "critical infrastructure computer," and defines that term accordingly. The new offense would be broad enough to include scenarios where the perpetrator uses another computer to damage a critical infrastructure computer, as well as those where a weapon or other device is used to physically damage the critical infrastructure computer. This latter scenario is a very real concern, as seen recently in California, where vital transformers at an electrical-power substation were found riddled with bullets, and appear to be the target of a professional attack. See http://www.washingtonpost.com/politics/attack-last-year-on-calif-power-station-raises-wider-security-concerns-news-report-says/2014/02/05/f6429f02-8e98-11e3-b46a-5a3d0d2130da_story.html.

Because the potential harm resulting from this type of offense is so egregious, the new offense of Computer Damage in the First Degree would be categorized as a class A felony. The current offenses of Computer Damage in the First Degree and Second Degree would be re-named as Computer Damage in the Second Degree and Third Degree, respectively; and classification for those types of offenses would remain as class B and C felonies, respectively. Thus, the classification of these 3 offenses would be consistent with Hawai'i's other computer crime laws, specifically statutes regarding Computer Fraud and Unauthorized Computer Access.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2094, S.D. 1. Thank you for the opportunity to testify on this matter.

SB2094

Submitted on: 3/10/2014

Testimony for JUD on Mar 11, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Justin F. Kollar	County of Kauai Office of the Prosecuting Attorney	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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SB2094

Submitted on: 3/10/2014

Testimony for JUD on Mar 11, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Dept. of the Prosecuting Attorney, County of Maui	Support	No

Comments: The Department of the Prosecuting Attorney, County of Maui, joins in the testimony presented by the Prosecuting Attorneys of the City and County of Honolulu and the County of Hawaii in support of SB 2094.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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