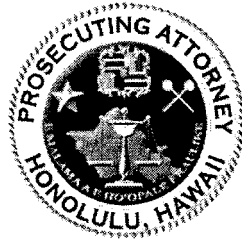


**HB2080**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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ARMINA A. CHING  
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE GLENN WAKAI, CHAIR  
SENATE COMMITTEE ON TECHNOLOGY AND THE ARTS  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai'i**

March 18, 2014

**RE: H.B. 2080, H.D. 2; RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES.**

Chair Wakai, Vice-Chair Nishihara and members of the Senate Committee on Technology and the Arts, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of H.B. 2080, H.D. 2.

The purpose of this bill is to amend the offense of Theft in the Second Degree to include theft of any computer capable of storing or retrieving personal information. Use of the term, "computer," as defined in HRS §708-890, would be sufficient to cover theft of a personal computer, laptop computer, tablet computer, and/or cellular phone with data processing—as listed in the original H.B. 2080—while at the same time accommodating any future devices having similar capabilities, regardless of any new terminology used to describe those devices.

As high-speed data processing devices—such as cell phones, tablets, and laptops—become increasingly important and used into our everyday lives, people are storing and retrieving increasingly more information—and more sensitive information—on these devices. Indeed, the theft of one's cell phone can be devastating to a victim whose personal contacts, passwords, account numbers, or other sensitive information is stored thereon, regardless of the actual market-value of that device at the time of offense. Even a smartphone that is perhaps one or two years old, valued now at \$50, can store and retrieve just-as vital information as a brand-new model purchased last month for \$700. H.B. 2080, H.D. 2, reflects this reality, and the actual value and importance that these devices have to their owners.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of H.B. 2080, H.D. 2. Thank you for the opportunity to testify on this matter.

**Gordon Fernandez**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 14, 2014 2:15 PM  
**To:** TECTestimony  
**Cc:** msmichael2@hawaii.rr.com  
**Subject:** Submitted testimony for HB2080 on Mar 18, 2014 13:25PM

**HB2080**

Submitted on: 3/14/2014

Testimony for TEC on Mar 18, 2014 13:25PM in Conference Room 414

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Michael McKenna     | Individual          | Comments Only             | No                        |

Comments: Support

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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## Gordon Fernandez

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 14, 2014 3:02 PM  
**To:** TECTestimony  
**Cc:** lisacates@hawaii.rr.com  
**Subject:** Submitted testimony for HB2080 on Mar 18, 2014 13:25PM

### HB2080

Submitted on: 3/14/2014

Testimony for TEC on Mar 18, 2014 13:25PM in Conference Room 414

| Submitted By | Organization | Testifier Position | Present at Hearing |
|--------------|--------------|--------------------|--------------------|
| Lisa Cates   | Individual   | Support            | No                 |

Comments: The theft of a personal electronic device often leads to identity theft which can be financially devastating and take years to recover from. Currently, the value of the personal electronic device must be valued at more than \$300 to be considered a felony. In today's world, such devices can be valued much less than \$300, yet still have the same catastrophic result upon a victim. Please pass HB2080 and make theft of any personal electronic device a felony, regardless of monetary value. Mahalo for your consideration.

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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## Gordon Fernandez

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**From:** Angie Ray Behnke <angiebehnke@mac.com>  
**Sent:** Sunday, March 16, 2014 9:29 PM  
**To:** TECTestimony  
**Subject:** Support for HB2080 HD2

I support HB2080 HD2 - establishes a class C felony for theft of a personal electronic device  
Angie Behnke

## Gordon Fernandez

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**From:** Lawrence Basha <lobasha@gmail.com>  
**Sent:** Monday, March 17, 2014 8:09 AM  
**To:** TECTestimony  
**Subject:** Testimony for HB2080 HD2

Senator Wakai,

My name is Lawrence Basha and I am a resident of Kailua. I support the passage of bill HB2080 HD2 - creating a class C felony for theft of a personal electronic device. I am writing this from New Zealand where I am on a business trip. While I have been here I have conducted business and communicated with people in the US, Australia and New Zealand. Although I have a computer with me, my phone has become the primary focus of work for both my professional and personal life. As our dependence on phones and mobile devices continues to increase, it only makes to adjust our legal relationship to them. Pass this bill into law.

Thank you,  
Lawrence Basha  
LTC, US Army  
591 Kawaihoa rd  
Kailua, Hi 96734

**Gordon Fernandez**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, March 17, 2014 8:56 AM  
**To:** TECTestimony  
**Cc:** bkbayne77@gmail.com  
**Subject:** \*Submitted testimony for HB2080 on Mar 18, 2014 13:25PM\*

**HB2080**

Submitted on: 3/17/2014

Testimony for TEC on Mar 18, 2014 13:25PM in Conference Room 414

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Present at Hearing</b> |
|---------------------|---------------------|---------------------------|---------------------------|
| Beau Bayne          | Individual          | 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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## Gordon Fernandez

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**From:** Kelly Villaverde <kellyvillaverde@gmail.com>  
**Sent:** Monday, March 17, 2014 10:49 AM  
**To:** Gordon Fernandez  
**Subject:** Re: Bill

Mr. Fernandez,

E kala mai, I thought the link would automatically list that.

=====

HB2080 HD2 - establishes a class C felony for theft of a personal electronic device will be heard on **Tuesday, March 18th at 1:25pm**. Written testimony can be emailed directly to the Senate Committee on Technology and the Arts at [TECtestimony@capitol.hawaii.gov](mailto:TECtestimony@capitol.hawaii.gov). TEC Committee Chair is Senator Glenn Wakai.

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Aloha pumehana, Kelly

On Mon, Mar 17, 2014 at 10:44 AM, Gordon Fernandez <[g.fernandez@capitol.hawaii.gov](mailto:g.fernandez@capitol.hawaii.gov)> wrote:

Aloha, Kelly.

You had emailed us in support of a Bill, but there was no Bill # listed. Can you please send another email, this time with the number of the Bill you're supporting?

Mahalo,

Gordon Fernandez

Committee Clerk, Senator Glenn Wakai's Office



## Gordon Fernandez

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**From:** Kelly Villaverde <kellyvillaverde@gmail.com>  
**Sent:** Monday, March 17, 2014 10:08 AM  
**To:** TECTestimony  
**Subject:** bill

Senator Wakai,

I am in support of this bill.

Aloha, Kelly Villaverde