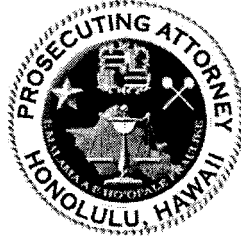


**SB 2094**

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

ALI PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO  
PROSECUTING ATTORNEY



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**

February 13, 2014

**RE: S.B. 2094; RELATING TO COMPUTER DAMAGE.**

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 S.B. 2094.

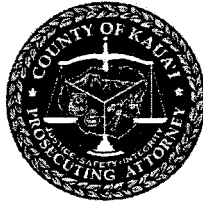
Currently, our computer damage statutes apply only when a perpetrator uses one computer to damage another computer, such as by hacking or transmitting a computer virus. However, greater protections are needed for "critical infrastructure computers," as damage to these computers jeopardizes public health, safety, and security, regardless of how the damage occurs. In light of this, S.B. 2094 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](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. The classification of these 3 offenses would be consistent with Hawaii'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. Thank you for the opportunity to testify on this matter.

**Justin F. Kollar**  
Prosecuting Attorney

**Kevin K. Takata**  
First Deputy



**Rebecca A. Vogt**  
Second Deputy

**Diana Gausepohl-White, LCSW**  
Victim/Witness Program Director

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766  
808-241-1888 ~ FAX 808-241-1758  
Victim/Witness Program 808-241-1898 or 800-668-5734

---

TESTIMONY IN SUPPORT OF  
S.B. No. 2094  
A BILL FOR AN ACT RELATING TO COMPUTER DAMAGE

Justin F. Kollar, Prosecuting Attorney  
County of Kauai

Senate Committee on Technology and the Arts

Thursday, February 13, 2014  
1:15 p.m., Room 414

Honorable Chair Wakai, Vice-Chair Nishihara, and Members of the Senate Committee on Technology and the Arts:

The Office of the Prosecuting Attorney, County of Kauai submits the following testimony in support of S.B. 2094, Relating to Computer Damage.

The purpose of S.B. 2094 is to redefine the offense of Computer Damage in the first degree, second degree, and third degree, and to increase Computer Damage in the first degree to a Class A Felony.

The current statute addresses damage made to a computer by another computer, and does not include actual physical damage to a computer; therefore, S.B. 2094 resolves this 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, security, public health or safety, etc.

For this reason, we support S.B. 2094. Thank you very much for the opportunity to provide testimony on this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar".

Justin F. Kollar  
Prosecuting Attorney  
County of Kaua'i