

SB2384

JAN 17 2014

A BILL FOR AN ACT

RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 708-831, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of theft in the second
4 degree if the person commits theft:

5 (a) Of property from the person of another;

6 (b) Of property or services the value of which exceeds
7 \$300;

8 (c) Of an aquacultural product or part thereof from
9 premises that are fenced or enclosed in a manner
10 designed to exclude intruders or there is prominently
11 displayed on the premises a sign or signs sufficient
12 to give notice and reading as follows: "Private
13 Property", "No Trespassing", or a substantially
14 similar message;

15 (d) Of agricultural equipment, supplies, or products, or
16 part thereof, the value of which exceeds \$100 but does
17 not exceed \$20,000, or of agricultural products that
18 exceed twenty-five pounds, from premises that are



1 fenced, enclosed, or secured in a manner designed to
2 exclude intruders or there is prominently displayed on
3 the premises a sign or signs sufficient to give notice
4 and reading as follows: "Private Property", "No
5 Trespassing", or a substantially similar message; or
6 if at the point of entry of the premise, a crop is
7 visible. The sign or signs, containing letters not
8 less than two inches in height, shall be placed along
9 the boundary line of the land in a manner and in such
10 position as to be clearly noticeable from outside the
11 boundary line. Possession of agricultural products
12 without ownership and movement certificates, when a
13 certificate is required pursuant to chapter 145, is
14 prima facie evidence that the products are or have
15 been stolen; [ex]

- 16 (e) Of agricultural commodities that are generally known
17 to be marketed for commercial purposes. Possession of
18 agricultural commodities without ownership and
19 movement certificates, when a certificate is required
20 pursuant to section 145-22, is prima facie evidence
21 that the products are or have been stolen; provided



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1 that "agriculture commodities" has the same meaning as
 2 in section 145-21[-]; or
 3 (f) Of any personal computer, laptop computer, tablet
 4 computer, cellular phone, personal digital assistant,
 5 or any other personal electronic device capable of
 6 storing or retrieving personal information, as that
 7 term is defined in section 487D-1."

8 SECTION 2. This Act does not affect rights and duties that
 9 matured, penalties that were incurred, and proceedings that were
 10 begun before its effective date.

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.
 14

INTRODUCED BY:

[Handwritten signatures]
 Anna Thul
 Mike Gattard
~~Don S.C. Smith~~
 Will Eyrer
 Michelle Indiani
 Suzanne Chum Chablad
 [Signature]



S.B. NO. 2384

Report Title:

Theft; Personal Electronic Devices

Description:

Establishes a class C felony for theft of personal electronic devices that may be used to store or retrieve personal information.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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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 4, 2014

RE: S.B. 2384; 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 comments **in support of S.B. 2384 with suggested amendments.**

S.B. 2384 broadens the offense of Theft in the Second Degree to include theft of personal electronic devices that may be used to store or retrieve personal information.

We recommend using the language in S.B. 2098 that amends the offense of Theft in the Second Degree in section 708-831 of the Hawaii Revised Statutes to include:

“(f) Of a computer as defined by section 708-890.”

HRS Section 708-890 defines “Computer” as any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes all computer equipment connected or related to such a device in a computer system or computer network, but shall not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device. This definition covers personal computer, laptop computer, tablet computer, and cellular phone with data processing, which are mentioned in S.B. 2384.

Because thieves target computer devices to gain access to private and financial information that can cause much damage to an individual, we are in strong support of this measure. Thank you hearing our **suggested amendment in support of S.B. 2384.**

Karen Dang

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 03, 2014 11:17 AM
To: TECTestimony
Cc: lisacates@hawaii.rr.com
Subject: Submitted testimony for SB2384 on Feb 4, 2014 13:15PM

SB2384

Submitted on: 2/3/2014

Testimony for TEC on Feb 4, 2014 13:15PM in Conference Room 414

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

Comments: Identity theft can ruin a person's financial life. Theft of personal electronic devices lead to identity theft and should be a felony, regardless of the monetary value of the electronic device. SB2384 is an important bill that protects and supports a society that is so reliant upon technology. Please pass this bill.

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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