

SB2791



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SEVENTH LEGISLATURE, 2014**

ON THE FOLLOWING MEASURE:
S.B. NO. 2791, RELATING TO CRIME.

BEFORE THE:
SENATE COMMITTEE ON TECHNOLOGY AND THE ARTS AND ON
COMMERCE AND CONSUMER PROTECTION

DATE: Thursday, February 6, 2014 **TIME:** 1:30 p.m.

LOCATION: State Capitol, Room 414

TESTIFIER(S): David M. Louie, Attorney General, or
Lance M. Goto, Deputy Attorney General.

Chairs Wakai and Baker and Members of the Committees:

The Department of the Attorney General strongly supports this bill.

The purpose of this bill is to update the criminal offenses of falsifying business records, obtaining a government-issued identification document under false pretenses in the first degree, obtaining a government-issued identification document under false pretenses in the second degree, tampering with a government record, and unsworn falsification to authorities, to address the use of new technology and make the offenses applicable to electronic or digital statements, documents, or records.

The criminal offenses being updated by this bill involve falsification or tampering with writings, written statements, written instruments, or official books or papers. In this age of computers and the Internet, however, many transactions are handled electronically, and records are often being kept in electronic or digital form. In 2000, Hawaii adopted the Uniform Electronic Transactions Act, enacted under chapter 489E, Hawaii Revised Statutes, in recognition of the need to establish the legal validity of electronic records, signatures, and contracts. But criminal offenses have not been updated to take into account the use of new technology.

This bill is intended to make those criminal offenses relevant and applicable to electronic transactions and the electronic submissions of false statements, or the tampering with records that are kept, not in writing or paper files, but in digital or electronic form.

If a person improperly alters a government record being kept on a computer system in digital form, that person should be held criminally liable for tampering with a government

record. Under current law, however, a person is only prohibited from altering a government record that is kept as a written instrument.

The Department respectfully requests the passage of this bill.