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## 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. The legislature finds that the vast majority of  
2 reported crimes in Hawaii are property crimes (larceny-theft,  
3 burglary, and motor vehicle theft), which constituted  
4 approximately ninety-three per cent of all reported crimes in  
5 2012, according to statistics released by the department of the  
6 attorney general. However, the law enforcement closure rate for  
7 property crimes in Hawaii was only fourteen per cent in 2012  
8 compared to forty-eight per cent for all reported violent crimes  
9 (murder, rape, robbery, and aggravated assault) in the same  
10 year. These statistics demonstrate that current practices in  
11 the criminal justice system are ineffective in reducing or  
12 eliminating the most prevalent crimes in this State.

13           The legislature further finds that many property crimes  
14 involve the theft of laptop computers, tablet computers,  
15 cellular phones, and other personal electronic devices that can  
16 store or provide access to personal information such as names,  
17 addresses, electronic mail addresses, phone numbers, information



1 related to employment, dates of birth, credit card numbers,  
2 passwords for accessing information, personal identification  
3 numbers, and personal financial information. Therefore, the  
4 theft of these devices can lead to other illegal activities such  
5 as identity theft and electronic crimes that can cause further  
6 harm to victims.

7 The purpose of this Act is to address theft that may lead  
8 to further crimes by use of the victim's personal information,  
9 by establishing a felony for theft of personal electronic  
10 devices that may be used to store or retrieve personal  
11 information.

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

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

- 16 (a) Of property from the person of another;
- 17 (b) Of property or services the value of which exceeds  
18 \$300;
- 19 (c) Of an aquacultural product or part thereof from  
20 premises that are fenced or enclosed in a manner  
21 designed to exclude intruders or there is prominently



1 displayed on the premises a sign or signs sufficient  
2 to give notice and reading as follows: "Private  
3 Property", "No Trespassing", or a substantially  
4 similar message;

- 5 (d) Of agricultural equipment, supplies, or products, or  
6 part thereof, the value of which exceeds \$100 but does  
7 not exceed \$20,000, or of agricultural products that  
8 exceed twenty-five pounds, from premises that are  
9 fenced, enclosed, or secured in a manner designed to  
10 exclude intruders or there is prominently displayed on  
11 the premises a sign or signs sufficient to give notice  
12 and reading as follows: "Private Property", "No  
13 Trespassing", or a substantially similar message; or  
14 if at the point of entry of the premise, a crop is  
15 visible. The sign or signs, containing letters not  
16 less than two inches in height, shall be placed along  
17 the boundary line of the land in a manner and in such  
18 position as to be clearly noticeable from outside the  
19 boundary line. Possession of agricultural products  
20 without ownership and movement certificates, when a  
21 certificate is required pursuant to chapter 145, is



1           prima facie evidence that the products are or have  
2           been stolen; [~~or~~]  
3           (e) Of agricultural commodities that are generally known  
4           to be marketed for commercial purposes. Possession of  
5           agricultural commodities without ownership and  
6           movement certificates, when a certificate is required  
7           pursuant to section 145-22, is prima facie evidence  
8           that the products are or have been stolen; provided  
9           that "agriculture commodities" has the same meaning as  
10          in section 145-21[~~-~~]; or

11          (f) Of any computer capable of storing or retrieving  
12          personal information. For the purposes of this  
13          paragraph:  
14          "Computer" has the same meaning as in section 708-890.  
15          "Personal information" has the same meaning as in  
16          section 487D-1."

17          SECTION 3. This Act does not affect rights and duties that  
18          matured, penalties that were incurred, and proceedings that were  
19          begun before its effective date.

20          SECTION 4. Statutory material to be repealed is bracketed  
21          and stricken. New statutory material is underscored.



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1 SECTION 5. This Act shall take effect upon its approval.

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# H.B. NO. 781

**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.*

