
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 any computer that contains
10 or has access to personal information.

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

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

- 15 (a) Of property from the person of another;
- 16 (b) Of property or services the value of which exceeds
17 \$300;
- 18 (c) Of an aquacultural product or part thereof from
19 premises that are fenced or enclosed in a manner
20 designed to exclude intruders or there is prominently
21 displayed on the premises a sign or signs sufficient
22 to give notice and reading as follows: "Private



1 Property", "No Trespassing", or a substantially
2 similar message;

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



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

9 (f) Of any computer that contains or has access to
10 personal information. For the purposes of this
11 paragraph:

12 "Computer" has the same meaning as in section
13 708-890.

14 "Personal information" has the same meaning as in
15 section 487D-1."

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

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

21 SECTION 5. This Act shall take effect on July 1, 2112.



Report Title:

Theft; Personal Electronic Devices

Description:

Establishes a class C felony for theft of any computer that contains or has access to personal information. (SB514 HD1)

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