

Honolulu, Hawaii

February 13 2015

RE: H.B. No. 781  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 781 entitled:

"A BILL FOR AN ACT RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES,"

begs leave to report as follows:

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

The Department of the Attorney General; Department of the Prosecuting Attorney, County of Maui; and a few individuals testified in support of this measure. The Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kauai; and Office of the Prosecuting Attorney, County of Hawaii testified in support with amendments to this measure.

Your Committee has amended this measure by:

- (1) Specifying that the felony established by this measure shall be for the theft of any computer that contains or has access to personal information; and
- (2) Changing the effective date to July 1, 2112, to encourage further discussion.

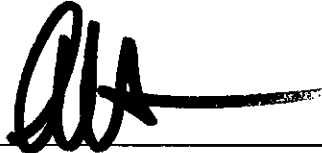


While your Committee notes that the amended language is intended to address the concern of the Department of the Prosecuting Attorney of the City and County of Honolulu, the amended language ensures that a person that commits theft of a computer of a value not in excess of \$100, such as a new \$40 prepaid non-contract smartphone that contains no personal information, is not charged with a felony.

Your Committee respectfully requests that your Committee on Judiciary examine the constitutionality of this measure.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 781, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 781, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ANGUS L.K. MCKELVEY, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

*Hscr 201*

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: <i>HB 781</i>	Committee Referral: <i>CPC, JUD, FIN</i>	Date: <i>2/9/2015</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
CPC Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	/			
2. WOODSON, Justin H. (VC)	/			
3. BELATTI, Della Au	/			/
4. BROWER, Tom	/			
5. CREAGAN, Richard P.	/			/
6. HAR, Sharon E.	/			/
7. HASHEM, Mark J.	/			
8. KAWAKAMI, Derek S.K.	/			
9. LEE, Chris	/			
10. NAKASHIMA, Mark M.	/			
11. OSHIRO, Marcus R.	/	/		
12. SAN BUENAVENTURA, Joy A.	/	/		
13. TAKAYAMA, Gregg	/			
14. YAMANE, Ryan I.	/			
15. FUKUMOTO CHANG, Beth	/	/		
16. MCDERMOTT, Bob	/	/		
TOTAL (16)	11	2		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
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