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THE HONORABLE ANGUS L.K. MCKELVEY, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawai`i

March 16, 2015

RE: S.B. 514, S.D. 1; RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES.

Chair McKelvey, Vice Chair Woodson and members of the Senate Committee on Consumer Protection & Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support with suggested amendment of S.B. 514, S.D. 1.

The purpose of this bill is to amend the offense of Theft in the Second Degree under section 708-831 of the HRS to include theft of any personal electronic device, defined as a computer capable of storing or retrieving personal information.

The Department maintains that use of the term, "computer," as defined in HRS §708-890, would be sufficient to cover theft of a personal computer, laptop computer, tablet device, and/or cellular phone with high-speed data processing, while at the same time accommodating any future devices having similar capabilities, regardless of any new terminology used to describe those devices. **As such, we respectfully recommend deleting the following language from page 3, line 7: “capable of storing or retrieving personal information” and from lines 8-9: “‘Personal information’ has the same meaning as in section 487D-1.”** This language is unnecessary as the definition of “Computer” already includes high-speed data processing devices with storage functions, and specifically exempts typewriters, calculators and other such ‘lesser’ devices. It would be an unnecessary hurdle for deputy prosecutors to have to prove beyond a reasonable doubt that a device was capable of storing personal information, where the plain definition of “Computer” is appropriate here.

As high-speed data processing devices—such as cell phones, tablets, and laptops—become increasingly important and used into our everyday lives, people are storing and retrieving increasingly more information—and more sensitive information—on these devices. Indeed, the theft of one's cell phone can be devastating to a victim whose personal contacts, passwords, account numbers, or other sensitive information is stored thereon, regardless of the

actual market-value of that device at the time of offense. Even a smartphone that is perhaps one or two years old--possibly valued at \$50 now--can store and retrieve just-as vital information as a brand-new model purchased last month for \$700. Yet these types of devices are considered to be the easiest and most commonly stolen items across the nation. S.B. 514, S.D. 1, reflects this reality, and the actual value and importance that these devices have to their owners.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the passage of S.B. 514, S.D. 1, with our suggested amendments. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 15, 2015 8:51 AM
To: CPCtestimony
Cc: jamesjtz@aol.com
Subject: *Submitted testimony for SB514 on Mar 16, 2015 14:00PM*

SB514

Submitted on: 3/15/2015

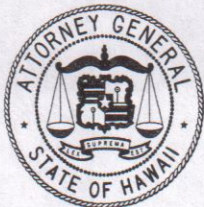
Testimony for CPC on Mar 16, 2015 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Support	No

Comments:

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**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 514, S.D. 1, RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Monday, March 16, 2015

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Albert Cook, Deputy Attorney General

Chair McKelvey and Members of the Committee:

The Department of the Attorney General supports this bill as drafted in S.D. 1 and urges its passage.

This bill makes the theft of personal electronic devices a class C felony.

Personal electronic devices store personal and sensitive information and data that far exceed the monetary value of the devices themselves. Theft of these devices also carries the likelihood of identity theft and theft of personal confidential information, because, once someone has possession and access to these devices, the sensitive information contained is likely compromised and ripe for exploitation. Lastly, monetary valuation of these personal electronic devices can be problematic because electronic devices rapidly lose their monetary value as new models are constantly being released. Additionally, many devices are provided either free or at substantial discounts by cell phone providers, thus making a monetary valuation difficult.

This bill eliminates the difficulty of setting a monetary value for personal electronic devices, instead making the theft of any personal electronic device a class C felony.

We respectfully request passage of this measure as drafted in S.D.1.