

Honolulu, Hawaii  
March 1, 2018

RE: H.B. No. 2318  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2318 entitled:

"A BILL FOR AN ACT RELATING TO CONFIDENTIAL PERSONAL INFORMATION,"

begs leave to report as follows:

The purpose of this measure is to amend the definition of "confidential personal information" for offenses against property rights. Specifically, this measure conforms the definition to the Hawaii Supreme Court's decision in *State v. Pacquing*, 139 Haw. 302 (2016), which excised portions of the definition to eliminate unconstitutionally vague provisions under the offense of unauthorized possession of confidential personal information.

One individual testified in support of this measure. The American Council of Life Insurers testified in opposition. The Department of the Attorney General and City and County of Honolulu Department of the Prosecuting Attorney provided comments.

Your Committee has amended this measure by replacing its contents with H.B. No. 1775, which is similar to this measure, except that it specifies other types of confidential personal information and clarifies when a password constitutes confidential personal information. Your Committee further amended this measure by:



- (1) Amending the definition to apply to information in which an individual rather than a person has a significant privacy interest;
- (2) Changing its effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2318, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2318, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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SCOTT Y. NISHIMOTO, Chair



