DAVID Y. IGE

July 6, 2021

EXECUTIVE CHAMBERS

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki, Speaker and Members of the House of Representatives Thirty First State Legislature State Capitol, Room 431 Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 6, 2021, the following bill was signed into law:

HB1107 HD1 SD1

RELATING TO COMPUTER CRIME. **ACT 184 (21)** 

Sincerely,

DAVID Y. IGE

Governor, State of Hawai'i

### ORIGINAL

Approved by the Governor
on \_\_\_\_\_\_\_06 2021
HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

ACT 184

H.B. NO. H.D. 1 S.D. 1

## A BILL FOR AN ACT

RELATING TO COMPUTER CRIME.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

- 1 SECTION 1. The legislature finds that bullying,
- 2 cyberbullying, and harassment are serious issues that hinder
- 3 student well-being and achievement, especially when the targets
- 4 are vulnerable youth.
- 5 The legislature recognizes that the department of education
- 6 has recently implemented comprehensive efforts to address
- 7 bullying, cyberbullying, and harassment in public schools,
- 8 including the adoption of amended administrative rules that,
- 9 among other things, provide expanded definitions of and
- 10 complaint procedures for these forms of student misconduct.
- 11 However, the legislature also finds that the transition to
- 12 online classroom environments as a result of the coronavirus
- 13 disease 2019 pandemic has exacerbated the problems of bullying,
- 14 cyberbullying, and harassment of vulnerable youth. Children who
- 15 use devices such as computers, tablets, and smartphones,
- 16 including children who engage in bullying conduct, often use
- 17 devices that were purchased or furnished by parents or other

# H.B. NO. H.D. 1

- 1 adults in the household. Some parents and guardians do not
- 2 adequately monitor the online activities of their minor
- 3 children, and this lack of monitoring serves to enable the minor
- 4 child's bullying conduct. To the extent that bullying,
- 5 cyberbullying, and harassment are prosecuted under existing
- 6 penal code offenses that address harassing conduct based on
- 7 electronic communication, the intent of this Act is to
- 8 incentivize parents and guardians to better ensure that their
- 9 minor children refrain from using electronic devices to
- 10 perpetrate these acts.
- 11 Accordingly, the purpose of this Act is to:
- 12 (1) Add aggravated harassment by stalking to the list of
- offenses upon which the offense of use of a computer
- in the commission of a separate crime may be based;
- 15 and
- 16 (2) Provide the court with the discretion to require the
- forfeiture of property used in computer crimes if the
- perpetrator was a minor, regardless of whether the
- minor owned the property.
- 20 SECTION 2. Section 708-893, Hawaii Revised Statutes, is
- 21 amended by amending subsection (1) to read as follows:

## H.B. NO. H.D. 1 S.D. 1

1	"(1)	A person commits the offense of use of a computer in
2	the commis	ssion of a separate crime if the person knowingly uses
3	a compute	r to identify, select, solicit, persuade, coerce,
4	entice, in	nduce, procure, pursue, surveil, contact, harass,
5	annoy, or	alarm the victim or intended victim of the following
6	offenses:	
7	(a)	Section 707-726, relating to custodial interference in
8		the first degree;
9	(b)	Section 707-727, relating to custodial interference in
10		the second degree;
11	(c)	Section 707-731, relating to sexual assault in the
12		second degree;
13	(d)	Section 707-732, relating to sexual assault in the
14		third degree;
15	(e)	Section 707-733, relating to sexual assault in the
16		fourth degree;
17	(f)	Section 707-751, relating to promoting child abuse in
18		the second degree;
19	(g)	Section 711-1106, relating to harassment;
20	<u>(h)</u>	Section 711-1106.4, relating to aggravated harassment
21		by stalking;

- [\frac{\text{(h)}}{\text{]}} (i) Section 711-1106.5, relating to harassment by 1 2 stalking; or 3 [(i)] (j) Section 712-1215, relating to promoting 4 pornography for minors." 5 SECTION 3. Section 708-894, Hawaii Revised Statutes, is 6 amended to read as follows: 7 "[+]\$708-894[+] Forfeiture of property used in computer 8 crimes. Any property used or intended for use in the commission 9 of, attempt to commit, or conspiracy to commit an offense under 10 this part, or which facilitated or assisted such activity, shall 11 be forfeited subject to the requirements of chapter 712A[-]; 12 provided that the court shall have the discretion to require 13 forfeiture of the property pursuant to this section if the 14 perpetrator of the offense was a person under the age of 15 eighteen, regardless of whether the person owned the property." 16 SECTION 4. 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 5. Statutory material to be repealed is bracketed 20 and stricken. New statutory material is underscored. 21 SECTION 6. This Act shall take effect upon its approval.
  - 2021-2188 HB1107 SD1 SMA.doc

APPROVED this 06 day of , 2021

**GOVERNOR OF THE STATE OF HAWAII** 

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HB No. 1107, HD 1, SD 1

### THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: April 22, 2021 Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.

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Scott K. Saiki Speaker House of Representatives

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Brian L. Takeshita

Chief Clerk

House of Representatives

### THE SENATE OF THE STATE OF HAWAI'I

Date: March 29, 2021 Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawai'i, Regular Session of 2021.

President of the Senate

Clerk of the Senate