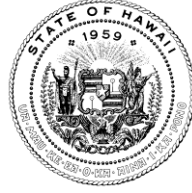


**LATE**



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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Judiciary  
Tuesday, March 29, 2022  
9:30 a.m.  
Via Videoconference**

**WRITTEN TESTIMONY ONLY**

**On the following measure:  
S.R. 20, URGING THE UNITED STATES CONGRESS TO ENACT LEGISLATION TO  
ADDRESS THE RISE IN ILLEGAL TEXT MESSAGES**

Chair Rhoads and Members of the Committee:

My name is Stephen H. Levins, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department supports this resolution.

The purpose of this resolution is to urge the United States Congress to enact legislation to address the rise of illegal text messages.

The OCP receives and responds to hundreds of consumer complaints each year concerning the disruptive and abusive nature of illegal text messages. Americans received about 86 billion automated text messages last year. These automated text messages are now more prevalent, and potentially more dangerous, than robocalls since malicious links can be clicked on directly in a text. These links often contain malware that can be instantly downloaded to a phone. Any interaction with this type of text will show the scammer that the phone number is active, making the targeted user

vulnerable to further messages. Consumers should be wary of opening or clicking links in unrecognized texts.

Across the country, there have been media reports about fake texts that promise \$500 for low-income home energy assistance, an extra \$1,400 in government stimulus money, more scammers pretending to be from Amazon, and phony text messages from the Department of Motor Vehicles in some states promising refund cash of \$600 or more. Scammers prey on consumers in scams to steal their money or sensitive personal information. For example, some scams involve impersonating government agencies such as the Internal Revenue Service to steal personally identifiable information or a well-known business' technical support to gain remote access to a computer to obtain financial or other sensitive information stored on the computer. The elderly population is particularly vulnerable to scams because seniors are more trusting, are less technologically savvy, and have increased chances of cognitive impairment.

Law enforcement agencies, such as the OCP, have had difficulty identifying and targeting the potential wrongdoers because the scammers are often located overseas, making enforcement difficult. Because of the nature of this problem, investigations and enforcement actions cannot serve as the sole solution.

Accordingly, urging the federal government to eliminate fraudulent text messages through consumer education, legislation, and prosecution is a step in the right direction in the fight to end illegal text messages.

Thank you for the opportunity to testify on this resolution.