STAND. COM. REP. NO. **938** -06

Honolulu, Hawaii

Marh 3, 2006

RE: H.B. No. 225.6

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 2256 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

begs leave to report as follows:

The purpose of this bill is to deter the use of methods to:

- (1) Fraudulently gain information about a computer user; or
- (2) Control another person's computer, such as "phishing" and "spyware."

Specifically, this measure:

- (1) Establishes the offense of unauthorized installation of software, fraudulent inducement to install software, and inducement for unlawful use of a computer;
- (2) Allows the Attorney General or the county prosecuting attorney to seek up to \$2,500 per violation of the law; and
- (3) Authorizes private action to recover \$5,000 per violation or triple the amount of damages caused, whichever is greater.

The Department of the Attorney General opposed this bill. The Department of Commerce and Consumer Affairs submitted comments.

Your Committee has amended this bill by:

- (1) Changing the effective date to July 1, 2020, to encourage further discussion; and
- (2) Making, technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2256, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2256, H.D. 1.

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

DWIGHT TAKAMINE, Chair

State of Hawaii House of Representatives The Twenty-third Legislature

HSCR 938-06

Record of Votes of the Committee on Finance

Bill/Resolution No.: HB 2256	Date:	3.	1.06	
Committee Referral:	☐ The committee is reconsidering its previous decision on the measure.			
CPC, FIN				
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	☐ Re	commit		·
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. TAKAMINE, Dwight Y. (C)	V			
2. KAWAKAMI, Bertha C. (VC)	/			
3. CARROLL, Mele				
4. CHONG, Pono				
5. EVANS, Cindy				
6. LEE, Marilyn B.				
7. MAGAOAY, Michael Y.				
8. NAKASONE, Bob				
9. NISHIMOTO, Scott Y.				
10. TANAKA, Kameo				
11. TSUJI, Clift				
12. WAKAI, Glenn				
13. YAMANE, Ryan I.				
14. YAMASHITA, Kyle T.				
15. MEYER, Colleen Rose				
16. MOSES, Mark S.				
17. PINE, Kymberly				7
18. STEVENS, Anne V.				
TOTAL	16			2
The recommendation is: Adopted Not Adopted If joint referral,	mittee acronym(ort recommendation	ı.
Vice Chair's or designee's signature:				
Bucha C. Kawakami				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				