Honolulu, Hawaii

Morch 2, 2006

RE: H.B. No. 2535

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

Sir:

Your Committees on Consumer Protection & Commerce and Judiciary, to which was referred H.B. No. 2535 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,"

beg leave to report as follows:

The purpose of this bill is to deter Internet fraud by making the intentional use of a computer to obtain control over and to steal a victim's property punishable as:

- (1) Either Theft in the First Degree or Theft in the Second Degree, whichever applies; and
- (2) Use of a Computer in the Commission of a Separate Crime (UCCSC).

The Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department supported this bill. The Office of the Public Defender commented on this bill.

Your Committees find that Hawaii has a growing problem with the use of computers to commit theft. In 2005 the Federal Trade Commission reported that Hawaii ranked fifth in the nation in Internet fraud complaints per capita.

UCCSC carries a penalty one class or grade above the offense facilitated by the use of a computer. Thus, in any theft where the property taken exceeds \$300 would be punishable as a class B

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felony under UCCSC. The use of a computer to steal property valued in excess of \$20,000, would be punishable as a class A felony under UCCSC.

As affirmed by the records of votes of the members of your Committees on Consumer Protection & Commerce and Judiciary that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2535 and recommend that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committees on Consumer Protection & Commerce and Judiciary,

SYLVIA LUKE, Chair

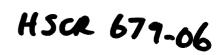
ROBERT N. HERKES, Chair

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Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.: HB 2535	Date:	2/22/	06				
Committee Referral: CPC (JUD)	☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended Pass, with amendments							
☐ Hold ☐ Recommit							
CPC Members	Ayes	Ayes (WR)	Nays	Excused			
1. HERKES, Robert N. (C)							
2. SCHATZ, Brian (VC)	<i>V</i>						
3. CALDWELL, Kirk	<i>''</i>						
4. ITO, Ken	V			~~			
5. KANOHO, Ezra R.				170			
6. KARAMATSU, Jon Riki							
7. MORITA, Hermina M.				/			
8. SONSON, Alex M.							
9. SOUKI, Joseph M.							
10. MARUMOTO, Barbara C.							
11. STONEBRAKER, Bud	V						
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TOTAL	9			2			
The recommendation is: D Adopted							
☐ Not Adopted							
If joint referral, did not support recommendation.							
Vice Chair's or designee's signature:							
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office							



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Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Date:	Date: 2/22/06					
НВ2535	0,	JJ! U6					
Committee Referral:	☐ The committee is reconsidering its						
CPC/JUD	previous decision on the measure.						
The recommendation is to: Pass, unamended	☐ Pass, with amendments						
☐ Hold	☐ Recommit						
JUD Members	Ayes	Ayes (WR)	Nays	Excused			
1. LUKE, Sylvia (C)							
2. OSHIRO, Blake K. (VC)	1						
3. CALDWELL, Kirk							
4. KANOHO, Ezra R.	/						
5. KARAMATSU, Jon Riki							
6. MORITA, Hermina M.							
7. SONSON, Alex M.							
8. SOUKI, Joseph M.	<i>-</i>						
9. MARUMOTO, Barbara C.							
10. THIELEN, Cynthia							
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TOTAL	7			3			
The recommendation is:							
☐ Not Adopted							
If joint referral,	mmittee acronyme	did not supports)	ort recommendation				
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Vice Chair's or designee's signature:							
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Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office							