STAND. COM. REP. NO. 1295 -06

Honolulu, Hawaii

Mon 6 30 , 2006

RE: S.B. No. 2159

S.D. 2 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 Committees on Consumer Protection & Commerce and Judiciary, to which was referred S.B. No. 2159, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO IDENTITY THEFT,"

beg leave to report as follows:

The purpose of this bill is to increase protections for personal information by:

- (1) Making it a class C felony to knowingly possess, without authorization, confidential personal information; and
- (2) Providing for repeat felony offender sentencing of offenders with prior felony convictions who are convicted of Unauthorized Possession of Confidential Personal Information or of Identity Theft in the Third Degree.

The Department of the Attorney General, Department of Commerce and Consumer Affairs, Honolulu Prosecuting Attorney, Honolulu Police Department, Maui Prosecuting Attorney, AARP Hawaii, Hawaii Bankers Association, and Hawaii Financial Services Association supported the bill. The Consumer Data Industry Association supported the intent of the bill. The American Council of Life Insurers opposed the measure.

Your Committees have amended this bill by replacing its substance with that of H.B. No. 1826, H.D. 1, a measure that passed the House earlier this session. As amended, the bill differs from the S.D. 2 in that it:

- (1) Makes it a class C felony to steal three or more items of mail belonging to three or more unrelated persons in the same or separate incident as part of a common scheme or plan; and
- (2) Becomes effective on January 1, 2020.

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 S.B. No. 2159, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2159, S.D. 2, H.D. 1, 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

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Consumer Protection & Commerce

Bill/Resolution No.:	Date:	3/16/0	(
Committee Referral:	☐ The committee is reconsidering its					
CPC KIUD	previous decision on the measure.					
The recommendation is to: Pass, unamended	Pass, with amendments					
☐ Hold ☐ Recommit						
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CPC Members	Ayes	Ayes (WR)	Nays	Excused		
1. HERKES, Robert N. (C)						
2. SCHATZ, Brian (VC)						
3. CALDWELL, Kirk						
4. ITO, Ken						
5. KANOHO, Ezra R.						
6. KARAMATSU, Jon Riki						
7. MORITA, Hermina M.						
8. SONSON, Alex M.				Januaryan (januaryan)		
9. SOUKI, Joseph M.						
10. MARUMOTO, Barbara C.						
11. STONEBRAKER, Bud						
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TOTAL	6	e tylin e e		b		
The recommendation is:						
The recommendation is: Adopted						
☐ Not Adopted						
If joint referral, did not support recommendation.						
con	mmittee acronym(s)				
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Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office						

HSCR 1295-06

State of Hawaii House of Representatives The Twenty-third Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Date:						
SB2159 SD2 (SSCR2636)		3/16/06					
Committee Referral:		☐ The committee is reconsidering its					
CPC/JUD	previou	previous decision on the measure.					
The recommendation is to: Pass, unamended	Pass, with amendments						
☐ Hold	☐ Re	commit					
JUD Members	Ayes	Ayes (WR)	Nays	Excused			
1. LUKE, Sylvia (C)							
2. OSHIRO, Blake K. (VC)							
3. CALDWELL, Kirk							
4. KANOHO, Ezra R.							
5. KARAMATSU, Jon Riki							
6. MORITA, Hermina M.				•			
7. SONSON, Alex M.							
8. SOUKI, Joseph M.	/						
9. MARUMOTO, Barbara C.							
10. THIELEN, Cynthia							
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TOTAL	7			3			
The recommendation is: Adopted Not Adopted If joint referral, did not support recommendation. committee acronym(s)							
Vice Chair's or designee's signature:	>						
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office							