STAND. COM. REP. NO. **3306**

Honolulu, Hawaii

APR - 5 2006

H.B. No. 2535 RE:

S.D. 2

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 2535, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the offense of use of a computer in the commission of a separate crime by including the use of a computer to obtain control over the property of the victim or to facilitate commission of the offense as a theft in the first or second degrees.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney for the City and County of Honolulu (Prosecuting Attorney) and the Honolulu Police Department. The Office of the Public Defender submitted testimony in opposition to this measure.

Your Committee finds that the use of a computer to commit theft is a growing problem in Hawaii and the number of crimes that are perpetrated over the Internet is increasing. Your Committee further finds that by amending section 708-893, Hawaii Revised Statutes, will enable law enforcement to respond more efficiently to computer crime in its various forms.

Your Committee has amended this measure in accordance with testimony from the Prosecuting Attorney to clarify that the mental state of "intentional" use of a computer to obtain control over

2006-2391 SSCR SMA.doc the property of a victim only applies to the offense of theft in the first or second degree.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2535, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2535, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Hawaiian Affairs,

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:*	Committee Referral:		Date:	Date:		
HB 2535 SD1	MAT/CPH	, JHW		3-30-06		
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:						
The Recommendation is to:						
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)						
Members		Ayes	.Ayes(WR)	Nays	Excused	
HANABUSA, Colleen (C)		1				
HEE, Clayton (VC)		7				
CHUN OAKLAND, Suzanne		1	nt haffulnitar i gentata i gent			
ENGLISH, J. Kalani						
IHARA, Jr., Les						
WHALEN, Paul		,				
TOTAL		4	0	0	D	
Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature:						
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy						

^{*}Do <u>not</u> list more than one measure per Record of Votes.