

JAN 19 2007

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## A BILL FOR AN ACT

RELATING TO THE PROHIBITION OF THE SALE OF PRIVATE TELEPHONE  
RECORDS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the availability of  
2 electronic information is a growing problem in Hawai'i as well  
3 as in the United States. However, there is no law preventing  
4 the practice of "pretexting", the harvesting of private phone  
5 records by others by pretending to be the owner of the telephone  
6 or cellular phone. This data is often turned around and sold to  
7 the general public, both to legitimate persons and criminals  
8 alike. This enormous loophole in the law compromises consumer  
9 privacy. The purpose of this Act is to prohibit this practice.

10           SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
11 amended by adding two new sections to be appropriately  
12 designated and to read as follows:

13           "§708-A   Definitions. When used in this chapter, unless  
14 the context otherwise requires:

15           "Broker" means either a person engaged in the business of  
16 transactions in customer information for the person's own



1 benefit or for the benefit of others or the act of transacting  
2 in customer information for the person's own benefit or for the  
3 benefit of others, depending on the context.

4 "Customer" means any person that is a resident of or is  
5 domiciled in this state and which has transacted or is  
6 transacting business with or has used or is using the services  
7 of a telecommunication service provider.

8 "Customer information" means either of the following:

9 Any original or any copy of any records held by a  
10 telecommunication service provider pertaining to a customer's  
11 relationship with the telecommunication service provider,  
12 including but not limited to, account records, identifying  
13 information, personal data or location of the customer.

14 Any information derived from a record described in this  
15 definition.

16 "Telecommunication service provider" means the same as in  
17 section 708-800.

18 §708-B Unauthorized brokering of customer information  
19 acquired from telecommunication service provider. (a) The  
20 brokering of customer information acquired from a  
21 telecommunication service provider shall be prohibited.



1           (b) Unauthorized brokering of customer information  
2 acquired from telecommunication service provider shall be a  
3 class C felony."

4           SECTION 3. This Act does not affect rights and duties that  
5 matured, penalties that were incurred, and proceedings that were  
6 begun, before its effective date.

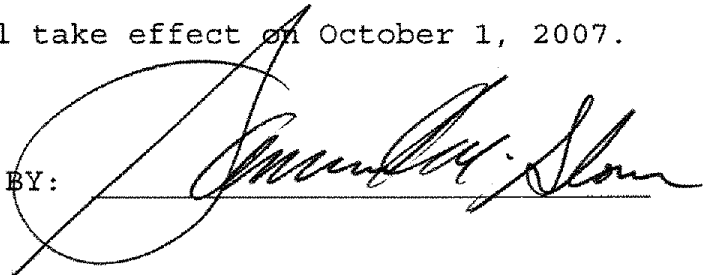
7           SECTION 4. In codifying the new sections added by section  
8 2 of this Act, the revisor of statutes shall substitute  
9 appropriate section numbers for the letters used in designating  
10 the new sections in this Act.

11           SECTION 5. New statutory material is underscored.

12           SECTION 6. This Act shall take effect on October 1, 2007.

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INTRODUCED BY:

A handwritten signature in black ink, appearing to read "Marilyn Stow", is written over a horizontal line. The signature is stylized and cursive.

**Report Title:**

Crime; brokering of information

**Description:**

Criminalizes the brokering of customer information acquired from a telecommunication service provider.

