

JAN 20 2012

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# A BILL FOR AN ACT

RELATING TO COMPUTER FRAUD.

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

1       SECTION 1. Chapter 708, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       **"§708-       Computer fraud in the third degree.   (1)   A**  
5 person commits the offense of computer fraud in the third degree  
6 if the person knowingly, and with intent to defraud, accesses a  
7 computer, computer system, or computer network with the intent  
8 to commit the offense of theft in the third or fourth degree.

9       (2) Computer fraud in the third degree is a class C  
10 felony."

11       SECTION 2. Section 708-891, Hawaii Revised Statutes, is  
12 amended to read as follows:

13       **"[+]§708-891[+] Computer fraud in the first degree.   (1)**  
14 A person commits the offense of computer fraud in the first  
15 degree if the person knowingly, and with intent to defraud,  
16 accesses a computer ~~[without authorization and, by means of such~~  
17 ~~conduct, obtains or exerts control over the property of another.~~



1       ~~(2) In a prosecution for computer fraud in the first~~  
2 ~~degree, it is a defense that the object of the fraud and the~~  
3 ~~property obtained consists only of the use of the computer and~~  
4 ~~the value of such use is not more than \$300 in any one year~~  
5 ~~period.]~~, computer system, or computer network with the intent  
6 to:

- 7       (a) Facilitate the commission of a murder in any degree, a  
8       class A felony, kidnapping, unlawful imprisonment in  
9       any degree, extortion in any degree, any offense under  
10       chapter 134, criminal property damage in the first or  
11       second degree, escape in any degree, any offense under  
12       part VI of chapter 710, any offense under section  
13       711-1103, or any offense under chapter 842; or  
14       (b) Commit the offense of theft in the first degree.

15       ~~[+3+]~~ (2) Computer fraud in the first degree is a class  
16 ~~[B]~~ A felony."

17       SECTION 3. Section 708-891.5, Hawaii Revised Statutes, is  
18 amended to read as follows:

19       "~~[+]~~**\$708-891.5**~~[+]~~ **Computer fraud in the second degree.**

20       (1) A person commits the offense of computer fraud in the  
21 second degree if the person knowingly, and with the intent to  
22 defraud~~[, transfers,]~~:



1       (a)   Accesses a computer, computer system, or computer  
2            network with the intent to commit the offense of theft  
3            in the second degree; or

4       (b)   Transfers, or otherwise disposes of, to another, or  
5            obtains control of, with the intent to transfer or  
6            dispose of, any password or similar information  
7            through which a computer, computer system, or computer  
8            network may be accessed.

9       (2)   Computer fraud in the second degree is a class [E] B  
10   felony."

11       SECTION 4. This Act does not affect rights and duties that  
12   matured, penalties that were incurred, and proceedings that were  
13   begun before its effective date.

14       SECTION 5. Statutory material to be repealed is bracketed  
15   and stricken. New statutory material is underscored.

16       SECTION 6. This Act shall take effect upon its approval.

17  
INTRODUCED BY: \_\_\_\_\_



# S.B. NO. 2533

**Report Title:**

Penal Code; Computer Fraud

**Description:**

Creates a new offense of computer fraud in the third degree as a class C felony. Amends sections 708-891 and 708-891.5, HRS, to include computer fraud that occurs when accessing a computer system or computer network. Makes computer fraud in the first degree a class A felony. Makes computer fraud in the second degree a class B felony.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

