

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 3047

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Economic Development and Technology, to
which was referred S.B. No. 3047 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend computer fraud statutes to capture a broader range of crimes committed through the use of a computer, computer system, or computer network, and increase penalties for all degrees of computer fraud;
- (2) Allow protective orders for harassment committed through the use of a computer, computer system, or computer network; and
- (3) Establish the crime of prohibited web design to prohibit certain acts by web designers or developers.

Prior to the hearing, your Committee made available a proposed S.D. 1, which would have established the offense of cybersquatting as a misdemeanor.

Your Committee received testimony in support of the proposed S.D. 1, from the University of Hawaii System. Your Committee received testimony in opposition to the proposed S.D. 1, from the Department of the Prosecuting Attorney, City and County of Honolulu.



Your Committee finds that the proposed S.D. 1, would have addressed a situation recently experienced by the University of Hawaii in which an internet domain based on the University's institutional name was registered, put up for auction, and eventually used to purvey pornography. Subsequently, the University of Hawaii was successful in persuading the perpetrator to shut down the web site, and your Committee understands that the University is currently working with the Attorney General to devise solutions to deal with any such situations in the future.

Your Committee further finds that the provisions in S.B. No. 3047, as introduced, which amended computer fraud statutes to capture a broader range of crimes committed through the use of a computer, computer system, or computer network, and increase penalties for all degrees of computer fraud, would provide much needed updates to Hawaii's computer fraud statutes. Law enforcement agencies have expressed concerns that existing laws are too narrow to address the majority of activities thought of as computer fraud, effectively stopping prosecution of these crimes.

Your Committee has amended this measure accordingly, by:

- (1) Retaining the provisions in part I of S.B. No. 3047, as introduced, relating to amendments to the State's computer fraud statutes;
- (2) Deleting the provisions that would have allowed protective orders for harassment committed through the use of a computer, computer system, or computer network;
- (3) Deleting establishment of the crime of prohibited web design;
- (4) Changing the effective date to July 1, 2012; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3047, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B.



No. 3047, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,


CAROL FUKUNAGA, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 3047	Committee Referral: EDT, JDL	Date: 2/15/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
TOTAL	3	0	0	2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div style="text-align: center;">Original File with Committee Report</div> <div style="text-align: center;">Yellow Clerk's Office</div> <div style="text-align: center;">Pink Drafting Agency</div> <div style="text-align: center;">Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes