
A BILL FOR AN ACT

RELATING TO COMPUTER DAMAGE.

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 damage in the third degree. (1) A
5 person commits the offense of computer damage in the third
6 degree if the person knowingly accesses a computer, computer
7 system, or computer network without authorization and thereby
8 recklessly causes damage.

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

11 SECTION 2. Section 708-890, Hawaii Revised Statutes, is
12 amended by adding a new definition to be appropriately inserted
13 and to read as follows:

14 "Critical infrastructure computer" means a computer,
15 computer network, or computer system that manages or controls
16 systems or assets vital to national defense, national security,
17 national economic security, public health or safety, or any
18 combination of these matters, whether publicly or privately



1 owned or operated, including gas and oil production, storage,
2 and delivery systems; water supply systems; telecommunications
3 networks; electrical power delivery systems; finance and banking
4 systems; emergency services; transportation systems and
5 services; and government operations that provide essential
6 services to the public."

7 SECTION 3. Section 708-892, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "~~[+]§708-892[+]~~ **Computer damage in the first degree.** (1)

10 ~~[A person commits the offense of computer damage in the first~~
11 ~~degree if:~~

12 ~~(a) The person knowingly causes the transmission of a~~
13 ~~program, information, code, or command, and thereby~~
14 ~~knowingly causes unauthorized damage to a computer,~~
15 ~~computer system, or computer network; or~~

16 ~~(b) The person intentionally accesses a computer, computer~~
17 ~~system, or computer network without authorization and~~
18 ~~thereby knowingly causes damage.] A person commits the~~
19 offense of computer damage in the first degree if the
20 person intentionally causes or attempts to cause
21 damage to a critical infrastructure computer and the
22 damage results in, or in the case of an attempted



1 offense, if completed, would have resulted in, the
2 substantial impairment of:

3 (a) The operation of the critical infrastructure computer;

4 or

5 (b) The critical infrastructure associated with the
6 computer.

7 ~~[(2) As used in this section, the "damage" must:~~

8 ~~(a) Result in a loss aggregating at least \$5,000 in value,~~

9 ~~including the costs associated with diagnosis, repair,~~

10 ~~replacement, or remediation, during any one year~~

11 ~~period to one or more individuals;~~

12 ~~(b) Result in the modification or impairment, or potential~~

13 ~~modification or impairment, of the medical~~

14 ~~examination, diagnosis, treatment, or care of one or~~

15 ~~more individuals;~~

16 ~~(c) Result in physical injury to any person;~~

17 ~~(d) Threaten public health or safety; or~~

18 ~~(e) Impair the administration of justice.~~

19 ~~(3)]~~ (2) Computer damage in the first degree is a class

20 [B] A felony."

21 SECTION 4. Section 708-892.5, Hawaii Revised Statutes, is
22 amended to read as follows:



1 "~~[+]§708-892.5[+]~~ **Computer damage in the second degree.**

2 (1) ~~[A person commits the offense of computer damage in the~~
3 ~~second degree if the person knowingly accesses a computer,~~
4 ~~computer system, or computer network without authorization and~~
5 ~~thereby recklessly causes damage.] A person commits the offense~~
6 ~~of computer damage in the second degree if:~~

7 (a) The person knowingly causes the transmission of a
8 program, information, code, or command, and thereby
9 knowingly causes unauthorized damage to a computer,
10 computer system, or computer network; or

11 (b) The person intentionally accesses a computer, computer
12 system, or computer network without authorization and
13 thereby knowingly causes damage.

14 (2) ~~[Computer damage in the second degree is a class C~~
15 ~~felony.] As used in this section, "damage" means:~~

16 (a) A loss aggregating at least \$5,000 in value, including
17 the costs associated with diagnosis, repair,
18 replacement, or remediation, during any one-year
19 period to one or more individuals;

20 (b) The modification or impairment, or potential
21 modification or impairment, of the medical



1 examination, diagnosis, treatment, or care of one or
2 more individuals; or

3 (c) Impairment or disruption of government operations.

4 (3) Computer damage in the second degree is a class B
5 felony."

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

9 SECTION 6. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Honolulu Prosecutor's Package; Computer Damage

Description:

Redefines the offense of computer damage in the first degree as intentionally causing or attempting to cause damage to a critical infrastructure computer and increases it to a class A felony; defines "critical infrastructure computer". Redefines the offense of computer damage in the second degree. Creates a new offense of computer damage in the third degree. (SD1)

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