

Honolulu, Hawaii

APR 26 2018

RE: S.B. No. 2745
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2745, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONFIDENTIAL PERSONAL INFORMATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to amend the definition of "confidential personal information" for purposes related to offenses against property rights. Specifically, this measure:

- (1) Conforms the definition to the Hawaii Supreme Court's decision in *State v. Pacquing*, 139 Haw. 302 (2016), which excised portions of the definition to eliminate unconstitutionally vague provisions under the offense of unauthorized possession of confidential personal information;



- (2) Specifies other types of confidential personal information; and
- (3) Clarifies when a password constitutes confidential personal information.

Your Committee on Conference finds that the Court in *State v. Pacquing*, held that certain provisions in the definition of "confidential personal information" are unconstitutionally vague. This measure will amend the definition of "confidential personal information" to eliminate those vague provisions.

Your Committee on Conference has amended this measure by changing the effective date to upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2745, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2745, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SCOTT Y. NISHIMOTO
Chair




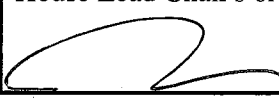
BRIAN T. TANIGUCHI
Chair



Hawai'i State Legislature

CCR 73-18

Record of Votes of a
Conference Committee

| | | | | | | | | | |
|---|---|----------------------------|---|-----------------------|---|-----------------|-------------|---|---|
| Bill / Concurrent Resolution No.: SB 2745, SD 1, HD 1 | | | | | Date/Time: 4/26/2018 1:44 PM | | | | |
| <input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD). | | | | | | | | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision. | | | | | | | | | |
| <input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure | | | | | <input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure. | | | | |
| Senate Managers | A | WR | N | E | House Managers | A | WR | N | E |
| TANIGUCHI, Brian T., Chr. | ✓ | | | | NISHIMOTO, Scott Y., Chr. | ✓ | | | |
| RHOADS, Karl | ✓ | | | | SAN BUENAVENTURA, Joy A. | ✓ | | | |
| THIELEN, Laura H. | ✓ | | | | THIELEN, Cynthia | ✓ | | | |
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| TOTAL | 3 | 0 | 0 | 0 | TOTAL | 3 | 0 | 0 | 0 |
| A = Aye | | WR = Aye with Reservations | | | N = Nay | | E = Excused | | |
| Senate Recommendation is: | | | | | House Recommendation is: | | | | |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | | <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Senate Lead Chair's or Designee's Signature: | | | | | House Lead Chair's or Designee's Signature: | | | | |
|  | | | | |  | | | | |
| Distribution: | | | | | Distribution: | | | | |
| Original | | Yellow | | Pink | | Goldenrod | | | |
| File with Conference Committee Report | | House Clerk's Office | | Senate Clerk's Office | | Drafting Agency | | | |