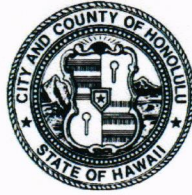


POLICE DEPARTMENT
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OUR REFERENCE TC-BT

February 2, 2024

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
415 South Beretania Street, Room 016
Honolulu, Hawai'i 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2193, Relating to Computer Crime

I am Thomas Chang, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2193, Relating to Computer Crime.


Including the Hawai'i Revised Statutes of Violation of Privacy in the First and Second Degrees helps strengthen the penalties against any violators and deters them from conducting this type of behavior. This measure will strengthen the HPD's ability to combat these types of computer crimes.

The HPD urges you to support Senate Bill No. 2193, Relating to Computer Crime.


Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Thomas Chang, Captain
Criminal Investigation Division

DEPARTMENT OF THE PROSECUTING ATTORNEY
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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2024
State of Hawai'i

February 2, 2024

RE: S.B. 2193; RELATING TO COMPUTER CRIME.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **strong support** of S.B. 2193. This bill is part of the Department's 2024 legislative bill package, and we thank you for hearing it.

The purpose of S.B. 2193 is to amend the offense of Use of a Computer in the Commission of a Separate Crime (HRS §708-893), to add Violation of Privacy in the 1st and 2nd Degree (HRS §711-1110.9 and §711-1111), as qualifying offenses.

On its own, Violation of Privacy ("VOP") is already a very serious charge. Indeed, the thought of someone installing a GoPro in a high school locker room,¹ for example—to record random occupants and/or show those videos to a friend or mutual acquaintance—would be a horrifying thought for any potential victim, or their family, regardless of whether the people recorded were in a "stage of undress" (i.e. VOP 1st degree, HRS §711-1110.0) or not (i.e. VOP 2nd degree, HRS §711-1111). *However*, the thought of someone using a GoPro *connected to a computer*—to "identify [or] select" specific individuals, and/or "disclose" those images via computer to the entire community—rises to the level of an entirely different offense.

Alternatively, if someone used a computer to gain access to a victim's Snapchat or other social media account, obtained private pictures without the victim's consent, then disclosed (or threatened to disclose) the pictures, that too, was only made possible by use of a computer. The

¹ See "Police: High school coach admits to hiding cameras in locker rooms for two years," WSAZ News Channel 3, May 8, 2023. Available online at: <https://www.wsaz.com/2023/05/09/police-high-school-coach-admits-hiding-cameras-locker-rooms-2-years/>; last accessed January 30, 2024.

situation could be further amplified if the disclosure was also made via computer (i.e. potentially to a large number of people, and irretrievable).

If enacted, S.B. 2193 would provide an additional tool for prosecutors to make these types of distinctions, when charging future offenses. Moreover, and perhaps more importantly, the Department hopes this would serve as a deterrent, to prevent these types of situations from occurring in the first place.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 2193. Thank you for the opportunity to testify on this matter

SB-2193

Submitted on: 1/30/2024 9:42:07 AM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Victor K. Ramos	Individual	Support	Written Testimony Only

Comments:

I support this bill.

SB-2193

Submitted on: 1/30/2024 10:27:45 PM

Testimony for JDC on 2/2/2024 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in SUPPORT