

JAN 21 2026

A BILL FOR AN ACT

RELATING TO IDENTITY THEFT.

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

1 SECTION 1. Section 708-800, Hawaii Revised Statutes, is
2 amended by adding two new definitions to be appropriately
3 inserted and to read as follows:

4 ""Artificial intelligence"" means a machine-based system
5 that can, for a given set of human-defined objectives, make
6 predictions, recommendations, or decisions influencing real or
7 virtual environments, and that uses machine and human-based
8 inputs to:

9 (1) Perceive real and virtual environments;
10 (2) Abstract perceptions of real and virtual environments
11 into models through analysis in an automated manner;
12 and
13 (3) Use model inference to formulate opinions for
14 information or action.

15 "Materially deceptive media" means any information,
16 including any video, image, or audio, that:



- 1 (1) Depicts an individual engaging in speech or conduct in
2 which the depicted individual did not in fact engage;
3 (2) Would cause a reasonable viewer or listener to believe
4 that the depicted individual engaged in the speech or
5 conduct depicted; and
6 (3) Was created by:
7 (A) Generative adversarial network techniques or
8 another technique that translates a source image
9 into another image using machine learning, deep
10 learning techniques, and convolutional neural
11 networks;
12 (B) Artificial intelligence; or
13 (C) Digital technology."

14 SECTION 2. Section 708-839.6, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of identity theft in the
17 first degree if that person makes or causes to be made, either
18 directly or indirectly, a transmission of any personal
19 information of another by any oral statement, any written
20 statement, or any statement conveyed by any electronic means,
21 including fraudulent impersonation or false depiction through



1 artificial intelligence or materially deceptive media, with the
2 intent to:

3 (a) Facilitate the commission of a murder in any degree, a
4 class A felony, kidnapping, unlawful imprisonment in
5 any degree, extortion in any degree, any offense under
6 chapter 134, criminal property damage in the first or
7 second degree, escape in any degree, any offense under
8 part VI of chapter 710, any offense under section 711-
9 1103, or any offense under chapter 842; or
10 (b) [Commit] Gain access to confidential information or
11 accounts to commit the offense of theft in the first
12 degree from the person whose personal information is
13 used, or from any other person or entity."

14 SECTION 3. Section 708-839.7, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of identity theft in the
17 second degree if that person makes or causes to be made, either
18 directly or indirectly, a transmission of any personal
19 information of another by any oral statement, any written
20 statement, or any statement conveyed by any electronic means,
21 including fraudulent impersonation or false depiction through



1 artificial intelligence or materially deceptive media, with the
2 intent to gain access to confidential information or accounts to
3 commit the offense of theft in the second degree from any person
4 or entity."

5 SECTION 4. Section 708-839.8, Hawaii Revised Statutes, is
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of identity theft in the
8 third degree if that person makes or causes to be made, either
9 directly or indirectly, a transmission of any personal
10 information of another by any oral statement, any written
11 statement, or any statement conveyed by any electronic means,
12 including fraudulent impersonation or false depiction through
13 artificial intelligence or materially deceptive media, with the
14 intent to gain access to confidential information or accounts to
15 commit the offense of theft in the third or fourth degree from
16 any person or entity."

17 SECTION 5. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 2304

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

2

INTRODUCED BY: W.M.H. W.

By Request



S.B. NO. 2304

Report Title:

Identity Theft; Artificial Intelligence

Description:

Includes fraudulent impersonation or false depiction through artificial intelligence or materially deceptive media in the offenses of identity theft.

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