THE SENATE
THIRTY-THIRD LEGISLATURE, 2026
STATE OF HAWAII

S.B. NO. 2304

JAN 2 1 2026

A BILL FOR AN ACT

RELATING TO IDENTITY THEFT.

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

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

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

(1) Perceive real and virtual environments;

(2) Abstract perceptions of real and virtual environments into models through analysis in an automated manner; and

(3) Use model inference to formulate opinions for information or action.

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

(1) Depicts an individual engaging in speech or conduct in which the depicted individual did not in fact engage;

(2) Would cause a reasonable viewer or listener to believe that the depicted individual engaged in the speech or conduct depicted; and

(3) Was created by:

(A) Generative adversarial network techniques or another technique that translates a source image into another image using machine learning, deep learning techniques, and convolutional neural networks;

(B) Artificial intelligence; or

(C) Digital technology."

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

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

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

(a) Facilitate the commission of a murder in any degree, a class A felony, kidnapping, unlawful imprisonment in any degree, extortion in any degree, any offense under chapter 134, criminal property damage in the first or second degree, escape in any degree, any offense under part VI of chapter 710, any offense under section 711-1103, or any offense under chapter 842; or

(b) [~~Commit~~] Gain access to confidential information or accounts to commit the offense of theft in the first degree from the person whose personal information is used, or from any other person or entity."

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

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

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

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

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

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

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

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

INTRODUCED BY: _____

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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