

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2026**

**ON THE FOLLOWING MEASURE:
S.B. NO. 2304, RELATING TO IDENTITY THEFT.**

**BEFORE THE:
SENATE COMMITTEE ON LABOR AND TECHNOLOGY**

DATE: Friday, January 30, 2026 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 225

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mark S. Tom, Deputy Attorney General

Chair Elefante and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments on this bill.

The purpose of this bill is to strengthen the offense of Identity Theft, by including "fraudulent impersonation" and "false depiction" through artificial intelligence or materially deceptive media as a prohibited means to commit theft from a person or other entity. The bill defines the terms "artificial intelligence" and "materially deceptive media" by adding their definitions to section 708-800, Hawaii Revised Statutes (HRS). The bill goes on to specifically include those terms within the meaning of the offenses of identity theft in the first, second, and third degrees in sections 708-839.6, 708-839.7, and 708-839.8, HRS.

The Department appreciates the intent to provide broader enforcement for identity theft crimes. Sections 708-839.6, 708-839.7, and 708-839.8, HRS, however, already cover identity theft by way of fraudulent impersonation or false depiction. The proposed amendments will create unnecessary obstacles to holding offenders accountable by requiring an additional element that was not previously required.

Therefore, the Department respectfully requests the committee defer this bill and maintain the procedures and safeguards that are currently in place.

Thank you for this opportunity to provide comments on the bill.

RICHARD T. BISSEN, JR.
Mayor

ANDREW H. MARTIN
Prosecuting Attorney

SHELLY C. MIYASHIRO
First Deputy Prosecuting Attorney



DEPARTMENT OF THE PROSECUTING ATTORNEY

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TESTIMONY ON S.B. 2304 RELATING TO IDENTITY THEFT

January 29, 2026

The Honorable Brandon J.C. Elefante
Chair
The Honorable Rachelle Lamosao
Vice Chair
and Members of the Committee on Labor and Technology

Chair Elefante, Vice Chair Lamosao, and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui respectfully submits the following comments **in support of S.B. 2304, Relating to Identity Theft**. This bill increases public safety by clarifying that our identity theft statutes include identity theft accomplished using artificial intelligence and other digital means.

We support this bill because it updates our identity theft statutes to encompass artificial intelligence techniques that make it increasingly easy to generate convincing false images, videos and audio recordings to prey upon our entire community, including our kupuna and children.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **supports S.B. 2304**. Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries. Thank you very much for the opportunity to provide testimony on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
KA 'OIHANA O KA LOIO HO'OPI'I
CITY AND COUNTY OF HONOLULU

LATE

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THE HONORABLE BRANDON J.C. ELEFANTE, CHAIR
SENATE COMMITTEE ON LABOR AND TECHNOLOGY
Thirty-Third State Legislature
Regular Session of 2026
State of Hawai'i

January 29, 2026

RE: S.B. 2304; RELATING TO IDENTITY THEFT.

Chair Elefante, Vice Chair Lamosao, and members of the Senate Committee on Labor and Technology, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in opposition to S.B. 2304.

S.B. 2304 amends the identity theft offenses to expressly include artificial intelligence and materially deceptive media. While the Department appreciates the intent of the bill, the current language raises significant constitutional and enforceability concerns.

The Department shares the Committee's concern about AI-enabled harms. Deepfake technology has enabled new forms of harassment, fraud, and reputational damage that cause genuine suffering. Addressing these harms is a worthy goal.

The First Amendment protects freedom of speech, including offensive or demeaning language.¹ Certain limited forms of speech, such as fighting words² or obscenity,³ do not receive constitutional protection. But satire and parody—even that with negligible comedic or critical content—remains protected.⁴ As defined in S.B. 2304, “materially deceptive media” would encompass any untrue statement delivered by a spoofed image. As the Second Circuit observed,

¹ *Snyder v. Phelps*, 562 U.S. 443, 460-61 (2011) (“Speech is powerful. It can stir people to action, move them to tears of both joy and sorrow, and—as it did here—inflict great pain. On the facts before us, we cannot react to that pain by punishing the speaker.”); *Boos v. Barry*, 485 U.S. 312, 322 (1988) (“As a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms protected by the First Amendment.”) (cleaned up).

² *Chaplinsky v. New Hampshire*, 315 U.S. 568 (1942).

³ *Miller v. California*, 413 U.S. 15 (1973).

⁴ See *Hustler Magazine, Inc. v. Falwell*, 485 U.S. 46, 48-52 (1988) (alleged parody describing incestuous liaison between minister and his mother); *Gold v. Harrison*, 88 Hawai'i 94, 96, 101-02, 962 P.2d 353, 355, 360-61 (1998) (rejecting defamation claim as rhetorical hyperbole).

the “keystone of parody is imitation.”⁵ A strong resemblance to the original is essential to parody, and parody is constitutionally protected.

Sections 2 through 4 of the S.B. 2304 introduce a more restrictive intent requirement. Doing so would inadvertently undermine the enforceability and effectiveness of the current identity theft laws.

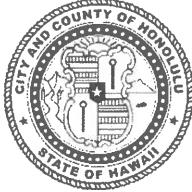
Thank you for the opportunity to testify.

⁵ *Cliff Notes, Inc. v. Bantam Doubleday Dell Pub. Grp., Inc.*, 886 F.2d 490, 494 (2d Cir. 1989).

LATE

HONOLULU POLICE DEPARTMENT
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OUR REFERENCE VL-RZ

January 30, 2026

The Honorable Brandon J.C. Elefante, Chair
and Members
Committee on Labor and Technology
State Senate
415 South Beretania Street, Room 225
Honolulu, Hawai'i 96813

Dear Chair Elefante and Members:

SUBJECT: Senate Bill No. 2304, Relating to Identity Theft

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

The HPD supports Senate Bill No. 2304, Relating to Identity Theft.

With new and upcoming artificial intelligence technologies, it will become easier for criminal elements to produce deceptive documents, video, and audio that are nearly indiscernible from genuine documents and media. Artificial intelligence is the next generational revolution that will change society in untold ways, similar to how the Internet did. It is imperative that legislation move forward to keep pace with these coming societal changes.

The HPD urges you to support Senate Bill No. 2304, Relating to Identity Theft.

Thank you for the opportunity to testify.

APPROVED:


Rade K. Vanic
Interim Chief of Police

Sincerely,


Vince Legaspi, Captain
Criminal Investigation Division

SB-2304

Submitted on: 1/28/2026 9:43:45 AM
Testimony for LBT on 1/30/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT!!!

WRITTEN TESTIMONY

IN STRONG SUPPORT OF S.B. NO. 2304

Relating to Identity Theft and Artificial Intelligence

Submitted by: Jamie M. Logan

Position: Support

Aloha Chair and Members of the Committee,

I am writing in strong support of this measure, which updates Hawai‘i’s identity theft statutes to address emerging threats posed by artificial intelligence and materially deceptive media.

Identity theft laws were written for a very different technological landscape. Today, artificial intelligence and digital manipulation tools can be used to create highly realistic audio, video, and images that falsely depict individuals engaging in speech or conduct they never took part in. These “deepfakes” and other forms of materially deceptive media are increasingly being used to gain access to confidential information, impersonate victims, and commit serious crimes, including financial theft and violent offenses.

This bill takes an important and necessary step by explicitly recognizing artificial intelligence and materially deceptive media as tools that can be used to facilitate identity theft. By modernizing statutory language, the Legislature ensures that existing identity theft offenses remain enforceable even as technology evolves. This clarity is critical for law enforcement, prosecutors, and courts, and it closes dangerous gaps that bad actors could otherwise exploit.

Just as importantly, this measure centers victim protection. Identity theft can cause long-lasting financial, emotional, and reputational harm, often requiring years to repair. When AI-generated impersonation is involved, victims may face heightened consequences, including loss of employment, damaged relationships, and compromised safety. This bill helps ensure accountability when technology is used to intentionally deceive and harm others.

I also appreciate that the bill is narrowly tailored to focus on intent and misuse, rather than criminalizing technology itself. Artificial intelligence has many beneficial applications, but its use to impersonate, deceive, and steal must be clearly prohibited. This legislation strikes an appropriate balance between innovation and public safety.

For these reasons, I strongly support this measure and respectfully urge its passage. Thank you for your leadership in addressing the real and growing risks posed by AI-enabled identity theft.

Mahalo for the opportunity to submit testimony.

Respectfully submitted,

Jamie M. Logan