

ACT 225

H.B. NO. 1237

A Bill for an Act Relating to Computer Crime.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. It is the intent of the legislature to protect individuals, groups, organizations, financial institutions, businesses, and government agencies from tampering, interference, damage, and unauthorized access to computers, software, data, and computer systems. The legislature finds that the growth in computer use has resulted in a similar growth in unauthorized access to computers, computer systems, software, and data.

The legislature finds and declares that the protection of the integrity and security of computers, computer systems, software, and data is vital to the protection of the privacy and property interests of individuals, groups, organizations, financial institutions, businesses, government agencies, and others who use computers.

SECTION 2. Chapter 708, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

**“PART . COMPUTER CRIME**

**§708- Definitions.** As used in this part, unless the context otherwise requires:

“Access” means to gain entry to or communicate with a computer, computer system, or computer network.

“Computer” means any device which performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all input, output, processing, storage, software, or communication facilities which are connected or related to such a device in a computer system or computer network.

“Computer equipment” or “hardware” means central processing units, microprocessors, data storage and other computer memory devices, and computer terminals or similar devices.

“Computer network” means two or more computer systems connected so as to permit the exchange or sharing of data between or among them.

“Computer program” or “software” means a set of computer-readable instructions or statements which, when executed by a computer system, causes

the computer system or the computer network to which it is connected to perform computer services.

“Computer services” means data input, data output, data processing, or data storage by or in a computer system or computer network.

“Computer system” means computer equipment or hardware connected together and operating under the control of one or more computer programs.

“Data” means information stored in a computer system or on electronic media or processed in a computer system.

“Disruption” means any deviation from normal operations of any computer, computer system, or computer network.

“Injury” includes addition, alteration, damage, deletion, destruction, denial of access with respect to data in, or functions of, a computer system or computer network.

“Property” includes financial instruments, data, computer software, computer programs, documents associated with computer systems and computer programs, or copies, whether tangible or intangible, and data while in transit.

“Without authorization” means without the permission of or in excess of the permission of an owner, lessor, or rightful user or someone licensed or privileged by an owner, lessor, or rightful user to grant such permission.

**§708- Computer fraud.** (1) A person commits the offense of computer fraud if:

- (a) The person accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent of devising or executing any scheme or artifice to defraud; or
  - (b) The person accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent of obtaining money, property, or services by means of embezzlement or false or fraudulent representations; or
  - (c) The person, without authorization, accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent of obtaining credit information on another person; or
  - (d) The person accesses or causes to be accessed any computer, computer system, computer network, or any of its parts with the intent of introducing or causing to be introduced false information to damage or enhance the credit rating of any person.
- (2) Computer fraud is a class C felony.

**§708- Unauthorized computer use.** (1) A person commits the offense of unauthorized computer use if the person intentionally and without authorization accesses, alters, injures, disrupts, damages, or destroys any computer, computer system, computer network, computer program, computer software, or any data stored therein.

(2) Unauthorized computer use is a class C felony.

**§708- Entry without disruption.** (1) The court may dismiss a prosecution if, having regard to the nature of the conduct alleged and nature of the attendant circumstances, it finds that the defendant’s conduct did not actually cause harm or damage to any computer, computer system, computer network, or any of its data or software.

(2) The court shall not dismiss a prosecution under section (1) without filing a written statement of its reasons.”

## **ACT 225**

**SECTION 3.** Part IX of Chapter 708, Hawaii Revised Statutes is repealed.

**SECTION 4.** This Act shall take effect upon its approval.

(Approved June 17, 1992.)