

ACT 224

H.B. NO. 2438

A Bill for an Act Relating to Identity.

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

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding to part IV three new sections to be appropriately designated and to read as follows:

“§708- Identity theft in the first degree. (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, 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 the offense of theft in the first degree from the person whose personal information is used, or from any other person or entity.
- (2) Identity theft in the first degree is a class A felony.

§708- Identity theft in the second degree. (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, with the intent to commit the offense of theft in the second degree from any person or entity.

(2) Identity theft in the second degree is a class B felony.

§708- Identity theft in the third degree. (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, with the intent to commit the offense of theft in the third or fourth degree from any person or entity.

(2) Identity theft in the third degree is a class C felony.”

SECTION 2. Chapter 710, Hawaii Revised Statutes, is amended by adding to part V three¹ new sections to be appropriately designated and to read as follows:

“§710- Obtaining a government-issued identification document under false pretenses in the first degree. (1) A person commits the offense of obtaining a government-issued identification document under false pretenses in the first degree if that person, with intent to mislead a public servant and intent to facilitate a felony, obtains an identification document issued by the State or any political subdivision thereof by:

- (a) Making any statement, oral or written, that the person does not believe to be true, in an application for any identification document issued by the State or any political subdivision thereof; or
- (b) Submitting or inviting reliance on any writing that the person knows to be falsely made, completed, or altered.

(2) Obtaining a government-issued identification document under false pretenses in the first degree is a class C felony.

§710- Obtaining a government-issued identification document under false pretenses in the second degree. (1) A person commits the offense of obtaining a government-issued identification document under false pretenses in the second degree if that person, with intent to mislead a public servant, obtains an identification document issued by the State or any political subdivision thereof by:

- (a) Making any statement, oral or written, that the person does not believe to be true, in an application for any identification document issued by the State or any political subdivision thereof; or
- (b) Submitting or inviting reliance on any writing that the person knows to be falsely made, completed, or altered.

(2) Obtaining a government-issued identification document under false pretenses in the second degree is a misdemeanor.”

SECTION 3. Section 286-131, Hawaii Revised Statutes, is amended to read as follows:

“§286-131 Unlawful use of license. No person shall:

- (1) Display or permit to be displayed or have in the person’s possession any canceled, revoked, or suspended[, ~~fictitious, or fraudulently altered~~] driver’s license;
- (2) Lend the person’s driver’s license to any other person or knowingly permit the use thereof by another;
- (3) Display or represent as one’s own any driver’s license not issued to the person;

- (4) Fail or refuse to surrender to the examiner of drivers, upon the examiner's lawful demand, any driver's license that has been suspended, revoked, or canceled;
- [(5) Use a false or fictitious name in any application for a driver's license or knowingly make a false statement or knowingly conceal a material fact, or otherwise commit a fraud in any such application;] or
- [(6)] (5) Use or have in the person's possession any reproduction, imitation, or facsimile of any driver's license or any identification with the appearance of a driver's license."

SECTION 4. Section 708-800, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Personal information” means information associated with an actual person or a fictitious person that is a name, an address, a telephone number, an electronic mail address, a driver's license number, a social security number, an employer, a place of employment, information related to employment, an employee identification number, a mother's maiden name, an identifying number of a depository account, a bank account number, a password used for accessing information, or any other name, number, or code that is used, alone or in conjunction with other information, to confirm the identity of an actual or a fictitious person.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.²

SECTION 6. This Act shall take effect upon its approval.

(Approved June 28, 2002.)

Notes

- 1. So in original.
- 2. Edited pursuant to HRS §23G-16.5.