

ACT 293

H.B. NO. 1788

A Bill for an Act Relating to Computer Crime.

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

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

**“§708- Computer fraud in the third degree.** (1) A person commits the offense of computer fraud in the third degree if the person knowingly accesses a computer, computer system, or computer network with the intent to commit the offense of theft in the third or fourth degree.

(2) Computer fraud in the third degree is a class C felony.”

SECTION 2. Section 708-891, Hawaii Revised Statutes, is amended to read as follows:

~~“[§708-891] Computer fraud in the first degree. (1) A person commits the offense of computer fraud in the first degree if the person knowingly, and with intent to defraud, accesses a computer without authorization and, by means of such conduct, obtains or exerts control over the property of another.~~

~~(2) In a prosecution for computer fraud in the first degree, it is a defense that the object of the fraud and the property obtained consists only of the use of the computer and the value of such use is not more than \$300 in any one year period.] accesses a computer, computer system, or computer network with the intent to commit the offense of theft in the first degree.~~

~~(3)~~ (2) Computer fraud in the first degree is a class [B] A felony.”

SECTION 3. Section 708-891.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§708-891.5] Computer fraud in the second degree. (1) A person commits the offense of computer fraud in the second degree if the person knowingly, and with the intent to defraud, transfers, or otherwise disposes of, to another, or obtains control of, with the intent to transfer or dispose of, any password or similar information through which a computer, computer system, or computer network may accessed.] accesses a computer, computer system, or computer network with the intent to commit the offense of theft in the second degree.~~

(2) Computer fraud in the second degree is a class [E] B felony.”

SECTION 4. Section 708-895.5, Hawaii Revised Statutes, is amended to read as follows:

**“[H]§708-895.5[H] Unauthorized computer access in the first degree. (1)**

A person commits the offense of unauthorized computer access in the first degree if the person knowingly accesses a computer, computer system, or computer network without authorization and thereby obtains information, and:

- (a) The offense was committed for the purpose of commercial or private financial gain;
  - (b) The offense was committed in furtherance of any other crime;
  - (c) The value of the information obtained exceeds [~~\$5,000;~~] \$20,000; or
  - (d) The information has been determined by statute or rule of court to require protection against unauthorized disclosure.
- (2) Unauthorized computer access in the first degree is a class [~~B~~] A

felony.”

SECTION 5. Section 708-895.6, Hawaii Revised Statutes, is amended to read as follows:

**“[H]§708-895.6[H] Unauthorized computer access in the second degree. (1)**

A person commits the offense of unauthorized computer access in the second degree if the person knowingly accesses a computer, computer system, or computer network without authorization and thereby obtains information.

(2) Unauthorized computer access in the second degree is a class [~~C~~] B felony.”

SECTION 6. Section 708-895.7, Hawaii Revised Statutes, is amended to read as follows:

**“[H]§708-895.7[H] Unauthorized computer access in the third degree. (1)**

A person commits the offense of unauthorized computer access in the third degree if the person knowingly accesses a computer, computer system, or computer network without authorization.

(2) Unauthorized computer access in the third degree is a [~~misdemeanor;~~] class C felony.”

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 9. This Act shall take effect upon its approval.

(Approved July 9, 2012.)

**Note**

1. Edited pursuant to HRS §23G-16.5.