

ACT 213

S.B. NO. 2094

A Bill for an Act Relating to Computer Damage.

*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 damage in the third degree.** (1) A person commits the offense of computer damage in the third degree if the person knowingly accesses a computer, computer system, or computer network without authorization and thereby recklessly causes damage.

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

SECTION 2. Section 708-890, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Critical infrastructure” means publically or privately owned or operated systems or assets vital to the defense, security, economic security, public health or safety, or any combination thereof, of the State or nation. “Critical infrastructure” includes:

- (1) Gas and oil production, storage, and delivery systems;
- (2) Water supply systems;
- (3) Telecommunications networks;
- (4) Electrical power delivery systems;
- (5) Finance and banking systems;
- (6) Emergency services, such as medical, police, fire, and rescue services;
- (7) Transportation systems and services, such as highways, mass transit, airlines, and airports; and
- (8) Government operations that provide essential services to the public.”

SECTION 3. Section 708-892, Hawaii Revised Statutes, is amended to read as follows:

~~“[§708-892] Computer damage in the first degree. (1) [A person commits the offense of computer damage in the first degree if:~~

- ~~(a) The person knowingly causes the transmission of a program, information, code, or command, and thereby knowingly causes unauthorized damage to a computer, computer system, or computer network; or~~
- ~~(b) The person intentionally accesses a computer, computer system, or computer network without authorization and thereby knowingly causes damage.~~
- ~~(2) As used in this section, the “damage” must:~~
  - ~~(a) Result in a loss aggregating at least \$5,000 in value, including the costs associated with diagnosis, repair, replacement, or remediation, during any one-year period to one or more individuals;~~
  - ~~(b) Result in the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;~~
  - ~~(c) Result in physical injury to any person;~~
  - ~~(d) Threaten public health or safety; or~~
  - ~~(e) Impair the administration of justice.] A person~~

commits the offense of computer damage in the first degree if the person intentionally causes or attempts to cause damage to a computer, computer system, or computer network that manages or controls any critical infrastructure and the damage results in, or in the case of an attempt to cause damage would have resulted in if completed, the substantial impairment of:

- (a) The operation of the computer, computer system, or computer network; or
- (b) The critical infrastructure managed or controlled by the computer, computer system, or computer network.

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

SECTION 4. Section 708-892.5, Hawaii Revised Statutes, is amended to read as follows:

~~“[§708-892.5] Computer damage in the second degree. (1) [A person commits the offense of computer damage in the second degree if the person knowingly accesses a computer, computer system, or computer network without authorization and thereby recklessly causes damage.] A person commits the offense of computer damage in the second degree if:~~

- ~~(a) The person knowingly causes the transmission of a program, information, code, or command, and thereby knowingly causes unauthorized damage to a computer, computer system, or computer network; or~~
- ~~(b) The person intentionally accesses a computer, computer system, or computer network without authorization and thereby knowingly causes damage.~~

~~(2) [Computer damage in the second degree is a class C felony.] As used in this section, “damage” means:~~

- ~~(a) A loss aggregating at least \$5,000 in value, including the costs associated with diagnosis, repair, replacement, or remediation, during any one-year period to one or more individuals;~~
- ~~(b) The modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals; or~~
- ~~(c) Impairment or disruption of government operations.~~

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(3) Computer damage in the second degree is a class B felony.”

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.<sup>1</sup>

SECTION 7. This Act shall take effect upon its approval.  
(Approved July 7, 2014.)

**Note**

1. Edited pursuant to HRS §23G-16.5.