

SB2094

SD1

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THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

February 26, 2014

RE: S.B. 2094, S.D. 1; RELATING TO COMPUTER DAMAGE.

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Juiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in strong support of S.B. 2094, S.D. 1.

Currently, Hawai'i's computer damage statutes apply only when a perpetrator uses one computer to damage another computer, such as by hacking or transmitting a computer virus. However, greater protections are needed for "critical infrastructure computers," as damage to these computers jeopardizes public health, safety, and security, regardless of how the damage occurs. In light of this, S.B. 2094, S.D. 1 creates a new offense regarding damage to a "critical infrastructure computer," and defines that term accordingly. The new offense would be broad enough to include scenarios where the perpetrator uses another computer to damage a critical infrastructure computer, as well as those where a weapon or other device is used to physically damage the critical infrastructure computer. This latter scenario is a very real concern, as seen recently in California, where vital transformers at an electrical-power substation were found riddled with bullets, and appear to be the target of a professional attack. See http://www.washingtonpost.com/politics/attack-last-year-on-calif-power-station-raises-wider-security-concerns-news-report-says/2014/02/05/f6429f02-8e98-11e3-b46a-5a3d0d2130da_story.html.

Because the potential harm resulting from this type of offense is so egregious, the new offense of Computer Damage in the First Degree would be categorized as a class A felony. The current offenses of Computer Damage in the First Degree and Second Degree would be re-named as Computer Damage in the Second Degree and Third Degree, respectively; and classification for those types of offenses would remain as class B and C felonies, respectively. The classification of these 3 offenses would be consistent with Hawaii's other computer crime laws, specifically statutes regarding Computer Fraud and Unauthorized Computer Access.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu strongly supports the passage of S.B. 2094, S.D. 1. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: richard.minatoya@mauicounty.gov
Subject: Submitted testimony for SB2094 on Feb 26, 2014 11:15AM
Date: Monday, February 24, 2014 3:25:21 PM

SB2094

Submitted on: 2/24/2014

Testimony for JDL on Feb 26, 2014 11:15AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Richard K. Minatoya	Maui Department of the Prosecuting Attorney	Support	No

Comments: The Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill and joins in the testimony of the Honolulu Department of the Prosecuting Attorney.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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