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# A BILL FOR AN ACT

RELATING TO COMPUTER CRIME.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

4 "§708- Computer fraud in the third degree. (1) A  
5 person commits the offense of computer fraud in the third degree  
6 if the person knowingly accesses a computer, computer system, or  
7 computer network with the intent to commit the offense of theft  
8 in the third or fourth degree.

9 (2) Computer fraud in the third degree is a class C  
10 felony."

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

13 "~~[+]§708-891[+]~~ **Computer fraud in the first degree.** (1)  
14 A person commits the offense of computer fraud in the first  
15 degree if the person knowingly~~[, and with intent to defraud,~~  
16 ~~accesses a computer without authorization and, by means of such~~  
17 ~~conduct, obtains or exerts control over the property of another.~~



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

8       ~~[(3)]~~ (2) Computer fraud in the first degree is a class [B]  
9 A felony."

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

12       "~~[(1)]~~**\$708-891.5**~~[(1)]~~ **Computer fraud in the second degree.**

13       (1) A person commits the offense of computer fraud in the  
14 second degree if the person knowingly~~[, and with the intent to~~  
15 ~~defraud, transfers, or otherwise disposes of, to another, or~~  
16 ~~obtains control of, with the intent to transfer or dispose of,~~  
17 ~~any password or similar information through which a computer,~~  
18 ~~computer system, or computer network may accessed.] accesses a~~  
19 ~~computer, computer system, or computer network with the intent~~  
20 ~~to commit the offense of theft in the second degree.~~

21       (2) Computer fraud in the second degree is a class [C] B  
22 felony."



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

3 " ~~[+]§708-895.5[+]~~ **Unauthorized computer access in the**  
4 **first degree.** (1) A person commits the offense of unauthorized  
5 computer access in the first degree if the person knowingly  
6 accesses a computer, computer system, or computer network  
7 without authorization and thereby obtains information, and:

8 (a) The offense was committed for the purpose of  
9 commercial or private financial gain;

10 (b) The offense was committed in furtherance of any other  
11 crime;

12 (c) The value of the information obtained exceeds  
13 ~~[\$5,000,]~~ \$20,000; or

14 (d) The information has been determined by statute or rule  
15 of court to require protection against unauthorized  
16 disclosure.

17 (2) Unauthorized computer access in the first degree is a  
18 class [B] A felony."

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

21 " ~~[+]§708-895.6[+]~~ **Unauthorized computer access in the**  
22 **second degree.** (1) A person commits the offense of



1 unauthorized computer access in the second degree if the person  
2 knowingly accesses a computer, computer system, or computer  
3 network without authorization and thereby obtains information.

4 (2) Unauthorized computer access in the second degree is a  
5 class [E] B felony."

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

8 "[+]§708-895.7[+] **Unauthorized computer access in the**  
9 **third degree.** (1) A person commits the offense of unauthorized  
10 computer access in the third degree if the person knowingly  
11 accesses a computer, computer system, or computer network  
12 without authorization.

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

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

18 SECTION 8. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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



**Report Title:**

Computer Crime; Computer Fraud; Unauthorized Access

**Description:**

Creates a third degree of computer fraud. Clarifies the elements of computer fraud in the first and second degrees. Deletes a defense to computer fraud in the first degree. Increases the class penalty for all computer fraud and unauthorized access offenses. (HB1788 CD1)

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