
A BILL FOR AN ACT

RELATING TO COMPUTER DAMAGE.

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

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

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

14 "Critical infrastructure" means publically or privately
15 owned or operated systems or assets vital to the defense,
16 security, economic security, public health or safety, or any
17 combination thereof, of the State or nation. "Critical
18 infrastructure" includes:



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

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

14 "~~{}\$708-892[{}]~~ **Computer damage in the first degree.** (1)

15 ~~[A person commits the offense of computer damage in the first~~
 16 ~~degree if:~~

17 ~~(a) The person knowingly causes the transmission of a~~
 18 ~~program, information, code, or command, and thereby~~
 19 ~~knowingly causes unauthorized damage to a computer,~~
 20 ~~computer system, or computer network; or~~



1 ~~(b) The person intentionally accesses a computer, computer~~
2 ~~system, or computer network without authorization and~~
3 ~~thereby knowingly causes damage.~~

4 ~~(2) As used in this section, the "damage" must:~~

5 ~~(a) Result in a loss aggregating at least \$5,000 in value,~~
6 ~~including the costs associated with diagnosis, repair,~~
7 ~~replacement, or remediation, during any one year~~
8 ~~period to one or more individuals;~~

9 ~~(b) Result in the modification or impairment, or potential~~
10 ~~modification or impairment, of the medical~~
11 ~~examination, diagnosis, treatment, or care of one or~~
12 ~~more individuals;~~

13 ~~(c) Result in physical injury to any person;~~

14 ~~(d) Threaten public health or safety; or~~

15 ~~(e) Impair the administration of justice.] A person~~

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



1 (a) The operation of the computer, computer system, or
2 computer network; or

3 (b) The critical infrastructure managed or controlled by
4 the computer, computer system, or computer network.

5 [+3+] (2) Computer damage in the first degree is a class [B]
6 A felony."

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

9 "[+]**\$708-892.5**[+] **Computer damage in the second degree.**

10 (1) [~~A person commits the offense of computer damage in the~~
11 ~~second degree if the person knowingly accesses a computer,~~
12 ~~computer system, or computer network without authorization and~~
13 ~~thereby recklessly causes damage.] A person commits the offense
14 of computer damage in the second degree if:~~

15 (a) The person knowingly causes the transmission of a
16 program, information, code, or command, and thereby
17 knowingly causes unauthorized damage to a computer,
18 computer system, or computer network; or

19 (b) The person intentionally accesses a computer, computer
20 system, or computer network without authorization and
21 thereby knowingly causes damage.



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

3 (a) A loss aggregating at least \$5,000 in value, including
4 the costs associated with diagnosis, repair,
5 replacement, or remediation, during any one-year
6 period to one or more individuals;

7 (b) The modification or impairment, or potential
8 modification or impairment, of the medical
9 examination, diagnosis, treatment, or care of one or
10 more individuals; or

11 (c) Impairment or disruption of government operations.

12 (3) Computer damage in the second degree is a class B
13 felony."

14 SECTION 5. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 begun before its effective date.

17 SECTION 6. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Honolulu Prosecutor's Package; Computer Damage

Description:

Redefines the offense of computer damage in the first degree as intentionally causing or attempting to cause damage to a computer, computer system, or computer network that manages or controls critical infrastructure and increases it to a class A felony. Redefines the offense of computer damage in the second degree. Creates a new offense of computer damage in the third degree. (SB2094 HD1)

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