

Honolulu, Hawaii

March 20, 2014

RE: S.B. No. 2094
S.D. 1
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2094, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO COMPUTER DAMAGE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Redefine and increase to a class A felony the offense of Computer Damage in the First Degree as intentionally causing or attempting to cause damage to a critical infrastructure computer, and define that term;
- (2) Redefine and increase to a class B felony the offense of Computer Damage in the Second Degree as knowingly causing the transmission of a program, information, code, or command, and thereby knowingly causing unauthorized damage to a computer, computer system, or computer network, or intentionally accessing a computer, computer system, or computer network without authorization, and thereby knowingly causing damage; and
- (3) Create and establish as a class C felony the offense of Computer Damage in the Third Degree as knowingly accessing a computer, computer system, or computer network without authorization and recklessly causing damage.



The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Office of the Prosecuting Attorney of the County of Kauai, and Department of the Prosecuting Attorney of the County of Maui testified in support of this measure.

Your Committee has amended this measure by:

- (1) Deleting the definition of "critical infrastructure computer" and incorporating the systems and assets described therein into a new definition of "critical infrastructure" that also clarifies the "emergency services" and "transportation systems and services" systems and assets;
- (2) Specifying that the offense of Computer Damage in the First Degree applies to damage to state and federal critical infrastructure;
- (3) Amending the offense of Computer Damage in the First Degree to prohibit intentionally causing or attempting to cause damage to a computer, computer system, or computer network that manages or controls any critical infrastructure; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2094, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2094, S.D. 1, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



State of Hawaii
House of Representatives
The Twenty-seventh Legislature

HSCR. 1100 -14

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: SB 2094 SD1	Committee Referral: JUD	Date: 3/13/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au				X
4. BROWER, Tom	X			
5. CREAGAN, Richard	X			
6. ITO, Ken	X			
7. KAWAKAMI, Derek S.K.				X
8. LEE, Chris	X			
9. NAKASHIMA, Mark M.	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica	X			
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
TOTAL (13)	11			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ <i>[Signature]</i>				
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