

Honolulu, Hawaii

FEB 14 2014

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

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Technology and the Arts, to which was referred S.B. No. 2094 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Redefine the offense of computer damage in the first degree as intentionally causing or attempting to cause damage to a critical infrastructure computer;
- (2) Increase the grade of the offense of computer damage in the first degree to a class A felony;
- (3) Redefine 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 other damage; or intentionally accessing a computer, computer system, or computer network without authorization, and thereby knowingly causing damage;
- (4) Increase the grade of the offense of computer damage in the second degree to a class B felony;
- (5) Create a new offense of computer damage in the third degree as knowingly accessing a computer, computer



system, or computer network without authorization and recklessly causing damage;

- (6) Establish the offense of computer damage in the third degree as a class C felony; and
- (7) Define "critical infrastructure computer".

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, and Office of the Prosecuting Attorney of the County of Kauai.

Your Committee finds that existing law only applies 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 jeopardize public health, safety, and security, regardless of how the damage occurs. This measure is necessary to provide further protection by creating a new offense of damage to critical infrastructure computers and redefining the current offenses of computer damage in the first and second degree accordingly.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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

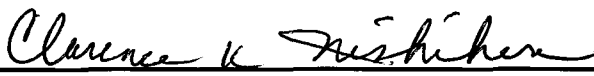
Respectfully submitted on  
behalf of the members of the  
Committee on Technology and the  
Arts,

  
\_\_\_\_\_  
GLENN WAKAI, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Technology and the Arts**  
**TEC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2094	TEC, JDL	02/13/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
WAKAI, Glenn (C)	/			
NISHIHARA, Clarence K. (VC)	/			
IHARA, Les	/			
TOKUDA, Jill N.				/
SLOM, Sam	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <span style="margin-left: 200px;"><input type="checkbox"/> Not Adopted</span>				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes