

STAND. COM. REP. NO. 2693

Honolulu, Hawaii

FEB 28 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 Judiciary and Labor, 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 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 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;



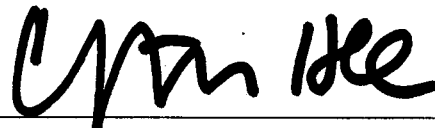
- (6) Establish the offense of computer damage in the third degree as a class C felony; and
- (7) Define "critical infrastructure computer".

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

Your Committee finds that existing computer damage offenses only apply 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 provides a deterrent against intentionally damaging critical infrastructure computers.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2094, S.D. 1, and recommends that it pass Third Reading.

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



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CLAYTON HEE, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2094 SD1</b>	Committee Referral: <b>TEC, JDL</b>	Date: <b>2/26/14</b>		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood				✓
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam				✓
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes