



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 29, 2018

GOV. MSG. NO. 1183

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 29, 2018, the following bill was signed into law:

SB2738 SD1 HD1 CD1

RELATING TO FOUND ELECTRONIC DEVICES
ACT 082 (18)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO FOUND ELECTRONIC DEVICES.

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

1 SECTION 1. The legislature finds that the information
2 privacy and security council, administratively attached to the
3 department of accounting and general services, was established
4 by Act 10, Special Session Laws of Hawaii 2008, and codified
5 into law under section 487N-5, Hawaii Revised Statutes, to
6 develop guidelines to be considered by government agencies in
7 deciding whether, how, and when a government agency shall inform
8 affected individuals of the loss, disclosure, or security breach
9 of personal information that can contribute to identity theft.
10 Personal information is defined in section 487N-1, Hawaii
11 Revised Statutes, as "an individual's first name or first
12 initial and last name in combination with any one or more of the
13 following data elements, when either the name or the data
14 elements are not encrypted:
15 (1) Social security number;
16 (2) Driver's license number or Hawaii identification card
17 number; or



1 (3) Account number, credit or debit card number, access
2 code, or password that would permit access to an
3 individual's financial account."

4 Currently, some local and state government agencies,
5 including county law enforcement, are required under sections
6 52D-14 and 261-17.7, Hawaii Revised Statutes, to provide
7 unclaimed property to finders after forty-five days. Given that
8 cell phones, computers, and other electronic devices may contain
9 personal information, the legislature agrees with the council's
10 recommendation that state law be amended to keep pace with
11 technology so that personal information on these devices is
12 protected.

13 The purpose of this Act is to protect the personal
14 information of individuals by providing county police
15 departments and the department of transportation the authority
16 to sanitize unclaimed electronic devices, in accordance with
17 recognized standards and guidelines, before providing the
18 unclaimed property to finders or disposing of the property by
19 public auction or other means.

20 SECTION 2. Section 52D-14, Hawaii Revised Statutes, is
21 amended to read as follows:



1 " [†] §52D-14 [†] Duty and right of finders. (a) Except as
2 provided in section 261-17.7, all money or property found shall
3 be reported or delivered by the finder to the chief of police of
4 the county. When so delivered, it shall be held by the chief of
5 police for forty-five days or until claimed by some person who
6 establishes title or right of custody thereto to the
7 satisfaction of the chief of police. If title or right of
8 custody is established, the money or property shall be delivered
9 to the claimant by the chief of police.

10 (b) If no claim is made or no such right is established
11 within the forty-five days, the money or property shall be
12 returned to the person who delivered it to the chief of
13 police [†], except as provided in subsection (c); provided that
14 if the person who delivered it to the chief of police fails to
15 claim the money or property within thirty days after being
16 notified by the chief of police that the person is entitled to
17 possession, the chief of police shall dispose of the money or
18 property in accordance with the procedures established in
19 section 52D-10. For the purpose of this section, notice by
20 regular mail to the person's last known address shall be
21 sufficient.



1 (c) Before an electronic device that allows for storage of
2 personal information is returned to the finder or disposed of by
3 public auction or other means, the device shall be sanitized in
4 accordance with guidance provided by the information privacy and
5 security council to ensure removal of personal information. If
6 removal of personal information is not possible or cannot be
7 verified without unreasonable expense, the device shall be
8 destroyed in a manner sufficient to eliminate the information,
9 and then disposed of or recycled. The chief of police shall
10 make reasonable efforts to notify the finder that the device was
11 destroyed and disposed of or recycled because personal
12 information could not be removed.

13 For purposes of this subsection, "personal information"
14 shall have the same meaning as in section 487N-1."

15 SECTION 3. Section 261-17.7, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§261-17.7 Lost and found money or property at airports.

18 (a) All money or property found at an airport owned or
19 controlled by the department shall be reported or delivered by
20 the finder to the airport lost and found, and when so delivered
21 shall be held by the department for forty-five days or until



1 claimed by some person who establishes title or right of custody
2 thereto to the satisfaction of the department. In the event of
3 the establishment of title or right of custody, the money or
4 property shall be delivered to the claimant by the director or
5 the director's agent. If within forty-five days no claimant
6 establishes a right to the money or property, the money or
7 property, except as provided in subsection (d) with regard to
8 electronic devices, shall be returned to the person who
9 delivered it to the airport lost and found; provided that if the
10 person who delivered it to the airport lost and found fails to
11 claim the money or property within thirty days after being
12 notified by the director, the director shall deposit the money
13 into the state treasury to the credit of the airport revenue
14 fund or shall dispose of the property by public auction.

15 (b) At least once annually, the director shall give public
16 notice giving details as to time and place of the auction and
17 giving notice to all persons interested or claiming the property
18 that unless claims are made by persons who can provide
19 satisfactory proof of ownership before a specified date, the
20 property will be sold at public auction to the highest bidder.
21 On the day and at the place specified in the notice, all



1 property for which no satisfactory proof of ownership is made
2 shall be sold by auction by or under the direction of the
3 director.

4 If any property [~~which~~] that is of a perishable nature or
5 unreasonably expensive to keep or safeguard remains unclaimed at
6 the airport, the director may sell that property at public
7 auction, at a time and after notice that is reasonable under the
8 circumstances. The director shall immediately after the sale of
9 any property pay to the airport revenue fund all moneys received
10 by the director upon sale.

11 (c) For the purpose of this section, notice by regular
12 mail to the last known address of the person who delivered the
13 money or property to the airport lost and found shall be deemed
14 sufficient.

15 (d) Before an electronic device that allows for storage of
16 personal information is returned to the finder or disposed of by
17 public auction or other means, the device shall be sanitized by
18 the director or the director's agent in accordance with guidance
19 provided by the information privacy and security council to
20 ensure removal of personal information. If removal of personal
21 information is not possible or cannot be verified without



1 unreasonable expense, the device shall be destroyed in a manner
2 sufficient to eliminate the information, and then disposed of or
3 recycled. The director or the director's agent shall make
4 reasonable efforts to notify the finder that the device was
5 destroyed and disposed of or recycled because personal
6 information could not be removed.

7 For purposes of this subsection, "personal information"
8 shall have the same meaning as in section 487N-1."

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 29 day of JUN, 2018





GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 1, 2018
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the
Senate of the Twenty-ninth Legislature of the State of Hawai‘i, Regular Session of 2018.


President of the Senate


Clerk of the Senate

SB No. 2738, SD 1, HD 1, CD 1

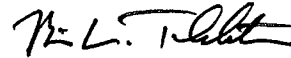
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2018
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Twenty-Ninth Legislature of the State of Hawaii, Regular Session of 2018.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives