

STAND. COM. REP. NO. **608**

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 514
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 514 entitled:

"A BILL FOR AN ACT RELATING TO THEFT OF PERSONAL ELECTRONIC
DEVICES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a
class C felony for theft of personal electronic devices that has
the capability to store or retrieve personal information.

Your Committee received testimony in support of this measure
from the Department of the Attorney General; Department of the
Prosecuting Attorney, City and County of Honolulu; Department of
the Prosecuting Attorney, County of Maui; and one individual.
Your Committee received testimony in opposition to this measure
from the Office of the Public Defender. Your Committee received
comments on this measure from one individual.

Your Committee finds that personal electronic devices store
personal and sensitive information and data that exceed the
monetary value of the devices. Furthermore, the monetary
valuation of personal electronic devices can be problematic
because these devices rapidly lose their monetary value as new
technology is released. This measure eliminates the difficulty
of setting a monetary value for personal electronic devices by
establishing a class C felony for the theft of any personal
electronic device.



Your Committee notes the concerns raised by the Departments of the Prosecuting Attorney of the City and County of Honolulu and County of Maui in their respective testimony.

Your Committee has amended this measure by:

- (1) Adopting the language suggested by the Department of the Attorney General which:
 - (A) Clarifies that the offense of theft in the second degree includes theft of any personal electronic device rather than any computer capable of storing or retrieving personal information; and
 - (B) Adds a definition of "personal electronic device"; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

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. 514, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 514, S.D. 1, and be placed on the calendar for Third Reading.

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



GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 514	Committee Referral: JDL	Date: 2/23/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			
SLOM, Sam	✓			
TOTAL	7			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes