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THE HONORABLE KARL RHOADS, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

February 4, 2014

RE: H.B. 2080; RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES.

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments **in support of H.B. 2080 with suggested amendments.**

H.B. 2080 broadens the offense of Theft in the Second Degree to include theft of personal electronic devices that may be used to store or retrieve personal information.

We recommend using the language in H.B. 1644 that amends the offense of Theft in the Second Degree in section 708-831 of the Hawaii Revised Statutes to include:

“(f) Of a computer as defined by section 708-890.”

HRS Section 708-890 defines “Computer” as any electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, and includes all computer equipment connected or related to such a device in a computer system or computer network, but shall not include an automated typewriter or typesetter, a portable hand-held calculator, or other similar device. This definition covers personal computer, laptop computer, tablet computer, and cellular phone with data processing, which are mentioned in S.B. 2384.

Because thieves target computer devices to gain access to private and financial information that can cause much damage to an individual, we are in strong support of this measure. Thank you hearing our **suggested amendment in support of H.B. 2080.**



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 4, 2014, 2:00 p.m.

H.B. No. 2080: RELATING TO THEFT OF PERSONAL ELECTRONIC DEVICES

Chair Rhoads and Members of the Committee:

This measure will make the theft of personal electronic devices such as computers, tablets, cell phones and other electronic devices capable of storing or retrieving personal information a class C felony.

This measure is unnecessary, because the vast majority of personal electronic devices mentioned in this bill are valued at more than three hundred dollars, the theft of which constitutes theft in the second degree, a class C felony.

We understand this committee's concern about personal information falling into the wrong hands. However, the unauthorized possession of confidential personal information is already prohibited, as a class C felony (§708-839.55, H.R.S.).

The Office of the Public Defender opposes H.B. No. 2080. Thank you for the opportunity to be heard on this matter.