STAND. COM. REP. NO. 2767

Honolulu, Hawaii

FEB 2 9 2024

RE: S.B. No. 2683 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-Second State Legislature Regular Session of 2024 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2683 entitled:

"A BILL FOR AN ACT RELATING TO DEFAMATION,"

begs leave to report as follows:

The purpose and intent of this measure is to protect individuals who make claims of sexual misconduct from defamation lawsuits unless the claims were proven to be made with malice.

Your Committee received testimony in support of this measure from Hawai'i Women Lawyers, American Association of University Women of Hawaii, and one individual.

Your Committee received comments on this measure from the Hawai'i Civil Rights Commission and one individual.

Your Committee finds that defamation lawsuits are sometimes brought against individuals who are making truthful claims about sexual misconduct, which can be used to silence victims. The threat of lawsuits may negatively impact victims and good-faith reporters attempting to report sexual misconduct. This measure will create safer communities in the State by providing additional protections to individuals who make truthful claims about sexual misconduct.

Your Committee has amended this measure by:

- (1) Deleting language that would have made a protected communication made by an individual, without malice, immune from any defamation action; and
- (2) Inserting language preventing an individual from being liable in damages in any defamation action for making a protected communication without malice.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2683, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2683, S.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

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The Senate Thirty-Second Legislature State of Hawai'i

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:			Date:		
SB 2683	70	C	02	02 13 24		
The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:						
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The Recommendation is:						
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313						
Members		Aye	Aye (WR)	Nay	Excused	
RHOADS, Karl (C)		V				
GABBARD, Mike (VC)					~	
ELEFANTE, Brandon J.C.		/				
SAN BUENAVENTURA, Joy A	١.	/				
AWA, Brenton						
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Recommendation: Adopted Not Adopted						
Chair's or Designee's Signature:						
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^{*}Only one measure per Record of Votes