Honolulu, Hawaii

APR 0 5 2024

RE: H.B. No. 1916
H.D. 1
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 H.B. No. 1916, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit, in certain circumstances, the publication of the personal information of federal and state judges and other judicial staff whose duties put them at risk for acts of violence or threats.

Your Committee received no testimony on this measure.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 amends this measure by:

(1) Expanding protections to cover the protected personal information of:

(A) The Governor;

(B) The Lieutenant Governor;

(C)   The State Administrative Director appointed
       pursuant to section 26-3, Hawaii Revised Statutes;

(D)   Any head of a state department established under
       section 26-4, Hawaii Revised Statutes;

(E)   Any member of the Legislature;

(F)   Any active, formerly active, or retired justice of
       the Hawaii Supreme Court;

(G)   Any judge of the Hawaii Intermediate Court of
       Appeals;

(H)   Any judge of a Hawaii circuit court or circuit
       family court;

(I)   Any judge of a Hawaii district court or district
       family court;

(J)   A per diem judge of a Hawaii district court or
       district family court;

(K)   Any active, formerly active, or retired justice of
       the United States Supreme Court;

(L)   Any judge of the United States Court of Appeals;

(M)   Any judge or magistrate judge of the United States
       District Court;

(N)   Any judge of the United States Bankruptcy Court who
       resides in the State, formerly resided in the State
       while serving as a federal judge, or owns real
       property in the State;

(O)   The Administrative Director of the Courts;

(P)   The Deputy Administrative Director of the Courts;

(Q)   Any employee or volunteer of the Office of
       Elections; and

        (R)   Any person designated for good cause by the Governor, Chief Justice, Chairperson of the Office of Hawaiian Affairs, President of the Senate, or Speaker of the House of Representatives in the designator's respective body;

    (2)   Further prohibiting the posting or disclosure of personal information;

    (3)   Establishing the offense of unlawful publication of personal information;

    (4)   Establishing within the State's Address Confidentiality Program protection for public servants through a process for employees to request that personal information not be disclosed or publicly available; and

    (5)   Inserting legislative findings.

Your Committee received testimony in support of the proposed S.D. 1 from the Judiciary, Consumer Data Industry Association, Hawaii State Bar Association, American Judicature Society, Hawaii State Trial Judges Association, and six individuals.

Your Committee received testimony in opposition to the proposed S.D. 1 from the Public First Law Center, TechNet, Hawaii Chapter of the Society of Professional Journalists, and RELX Group.

Your Committee received comments on the proposed S.D. 1 from the Department of the Attorney General, Department of Land and Natural Resources, Department of Law Enforcement, Office of Information Practices, and Department of Budget and Fiscal Services of the City and County of Honolulu.

Your Committee finds that in the last few years across the country there are numerous examples of horrific acts of violence being committed against public servants and their families at their homes. Your Committee believes that the escalating threats and safety concerns underscore how imperative it is to safeguard the personal residences and other personally identifying information of certain public servants. This measure will allow

the State to play a proactive role in preserving the safety and wellbeing of dedicated individuals who serve the public.

Your Committee has amended this measure by adopting the proposed S.D. 1 and further amending the measure by:

(1)   Prohibiting government agencies, persons, and organizations from making publicly available on the Internet the protected personal information of certain public servants upon request of the public servant or their representative;

(2)   Deleting the offense of unlawful publication of personal information, and instead providing that the covered public servant or family member may bring an action seeking injunctive or declaratory relief, with the person or organization required to pay costs and attorneys fees, and in the case of a government agency no costs or fees would be awarded;

(3)   Placing the protections in a new chapter within the Hawaii Revised Statutes, instead of within the State's Address Confidentiality Program;

(4)   Adding the Chief Judge of the United States District Court for the District of Hawaii to the list of people who may designate for good cause additional public servants as a covered public servant;

(5)   Increasing the time in which the government agency, person, or organization is required to remove the protected information from the Internet from seventy-two hours to three business days of receiving a request to remove and adding an additional ten business day extension to remove the protected information;

(6)   Requiring that a request to a government agency to remove the protected information:

      (A)   Be made by the covered public servants' department head;

(B) Identify the specific government record or indexed document number;

(C) Be made no more than once a month; and

(D) Include all covered public servants in a single request, with the possibility of additional requests under exigent circumstances;

(7) Expanding the type of records or information exempted to include:

(A) Copies of recorded instruments affecting title to real property provided by a title insurance company to a government agency;

(B) Records provided by a government agency to another government entity; provided that the records are not publicly available on the Internet;

(C) Information that is part of a news story, commentary, editorial or other speech on a matter of public concern;

(D) Provision or disclosure of information pursuant to the Fair Credit Reporting Act, Gramm-Leach-Bliley Act, Health Insurance Portability and Accountability Act, and the Driver's Privacy Protection Act; and

(E) Publication of notices that are required by law;

(8) Amending section 1 to reflect its amended purpose;

(9) Making it effective on October 1, 2024; and

(10) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 1916, H.D. 1, as amended herein, and recommends that it pass

Second Reading in the form attached hereto as H.B. No. 1916, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Judiciary,
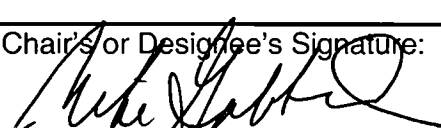
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KARL RHOADS, Chair

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
HB 1916 HD1	JDC	04 | 02 | 24

☐ The Committee is reconsidering its previous decision on this measure.

    If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended   ☑ Pass, with amendments   ☐ Hold   ☐ Recommit
      2312   2311   2310   2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			✓
AWA, Brenton				✓
TOTAL	4	—	—	1

Recommendation: ☑ Adopted   ☐ Not Adopted

Chair's or Designee's Signature:

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*Only underline one measure per Record of Votes