STAND. COM. REP. NO. 2609

Honolulu, Hawaii

FEB 2 8 2008

RE: S.B. No. 2456

S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

## Madam:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2456, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HARASSMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the offense of harassment by prescribing repeated communications by means of "other computer communication";
- (2) Add computer communication as a form of nonconsensual contact in the offense of harassment by stalking; and
- (3) Change the classification of the foregoing offenses to a class C felony.

Testimony in support of this measure was received from the Hawaii State Coalition Against Domestic Violence and the Law Offices of Marvin S.C. Dang, LLLC. Testimony in opposition was submitted by the Office of Public Defender.

Your Committee finds that a number of Hawaii attorneys have received thousands of e-mails from an anonymous sender. The e-mails contain false, derogatory, and defamatory messages about specific attorneys and law offices, as well as politicians, and others. These e-mails were also being sent to people outside the

legal community and falsely identified as coming from a specific attorney.

Your Committee finds that this measure will help to deter the use of e-mails to defame, harass, and intimidate people. Your Committee further finds that the classification of this offense as a class C felony is appropriate since the actions of the perpetrator are so disruptive.

Your Committee has amended this measure by amending the effective date to July 1, 2050, for the purpose of facilitating 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. 2456, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2456, S.D. 2.

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

BRIAN T. TANIGUCHI, Chai

## The Senate Twenty-Fourth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral:		Da	Date: 2-22-08	
SB 2456 SDI	EDT, JOL			2-21	
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
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)		,			
GABBARD, Mike	,				
KOKUBUN, Russell S.					V
NISHIHARA, Clarence K.					
SLOM, Sam					
TOTAL		4	0	0	
Recommendation:  Adopted Not Adopted					
Chair's or Designed's Signature:					
Distribution / Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes