STAND. COM. REP. NO. 2573

Honolulu, Hawaii

FEB 2 8 2008

RE: S.B. No. 2458

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. 2458, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL IMPERSONATION,"

begs leave to report as follows:

The purpose of this measure is to establish the offense of criminal impersonation, making it a class C felony to impersonate and make a transmission of information about another person that the transmitter does not believe to be true, with the intent of placing that person at risk of bodily injury.

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

In testimony before this Committee, members have heard that since April 2007, a number of Hawaii attorneys 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 also finds that the classification of this offense as a

class C felony is appropriate given that the actions of the perpetrator are so disruptive.

Your Committee has amended this measure by amending the effective date to July 1, 2050, for purposes of facilitating further discussion and clarification.

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. 2458, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2458, S.D. 2.

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

BRIAN T. TANIGUCHI, Chair

The Senate Twenty-Fourth Legislature State of Hawaii

Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:* SB 2458 SD1	Committee Referral: EDT, JDL		D	Date: 2-22-08	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended V Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)		V			
HEE, Clayton (VC)					<i>V</i>
GABBARD, Mike		V			
KOKUBUN, Russell S.					
NISHIHARA, Clarence K.			BASSES PER POSICIONA DE COM		
SLOM, Sam					
	13365-11				
		7.6			
TOTAL		4	\bigcirc		2
Recommendation:					
Adopted 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