

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

February 3, 2009

Hrg: February 3, 2009, 2:00 p.m.
1 copy required

H.B. No. 622: RELATING TO HARASSMENT

Chair Karamatsu and Members of the Committee:

H.B. No. 615 seeks to extend the offense of Harassment by stalking to all forms of digital communication. We have a concern that this amendment may have the effect of making the offense overly broad thus punishing legitimate, non-criminal conduct. The term "any digital communication" covers a very large amount of electronic conduct. Some digital communication such as internet advertising could be construed as having no legitimate communication purpose and be prosecuted under the proposed amendment to this offense.

There is also a question regarding enforcement of this measure. Does law enforcement have the ability to prosecute all seemingly purpose-less digital communications? We believe these questions must be addressed before this measure is considered for enactment.

Thank you for the opportunity to comment.

karamatsu3-Leanne

From: Adrienne King [adrienne@kingandking.com]
Sent: Monday, February 02, 2009 9:08 PM
To: JUDtestimony
Subject: HB 615 AND HB 622 IN SUPPORT

Categories: Blue Category

I support the passage of these 2 bills. Harrassment via electronic media is increasing and is just as scary as phone calls or faxes. Predators will find all kinds of ways to intimidate their targets, so we must keep up and ahead of them. The potential for breach of one's computer security is definitely a concern that passage of this bill will help to alleviate.

Respectfully submitted, Adrienne King, Esq. Immediate Past Chair Family Law Section HSBA

brower2-Jenna

From: guy yatsushiro [gyats1@yahoo.com]
Sent: Monday, February 02, 2009 10:55 PM
To: HUSstimony
Subject: House Bill HB622 to be heard on 02/03/09 at 2:00pm in Room 325

TO: Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
House Judiciary Committee Members

>
FROM: Guy Yatsushiro, M.D.
1914 South King Street, Suite 201
Honolulu, HI 96826
(808) 946-7159

>
DATE: 02/03/09

>
RE: Support for HB622

>
Thank you for amending this statute. My wife was previously married to a perpetrator of domestic violence and though she left him almost 9 years ago, he's barely given her a moment's peace since.

>
At the last court date (she filed for a TRO based upon stalking and harassment) his own evidence provided the proof of his stalking: FOUR pages detailing my wife's professional activities and appearances which he even recited quotes from.

>
Unfortunately, the judge said her petition did not meet the criteria of the present statute under stalking and harassment even though one of the country's leading experts on the topic, Dr. Robert Geffner, expressed concern for my wife after witnessing her ex's behavior.

>
Stalking is a very real, very serious and potentially lethal concern for women who've left an abusive relationship. Last year we had the misfortune to see a stalker turn killer when Janel Tupuola was stalked by her ex then killed in a Kailua street in front of a crowd of people. We need tougher laws to hold these guys accountable BEFORE it comes to this.

>
Sincerely,

>
Guy Yatsushiro, M.D.

From: Dara Carlin, M.A. [breaking-the-silence@hotmail.com]
Sent: Tuesday, February 03, 2009 1:33 AM
To: HUS testimony
Subject: House Judiciary Committee: Testimony for HB622 to be heard on Tuesday, February 3rd at 2:00pm

Importance: High

TO: Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Members of the House Judiciary Committee

FROM: Dara Carlin, M.A.
881 Akiu Place
Kailua, HI 96734
(808) 218-3457

DATE: February 3, 2009

RE: STRONG SUPPORT for HB622

* Some facts on stalking:

Stalking is more prevalent than previous studies have shown and causes victims to make significant life changes, fear for their safety, and seek help from friends and family members, according to a new study from the U.S. Justice Department's Bureau of Justice Statistics.

An estimated 3.4 million persons said they were victims of stalking during a 12-month period in 2005 and 2006. About half these victims experienced at least one unwanted contact per week.

Stalking is more pervasive among women who are nearly three times more likely than men to be stalked with young people ages 18 to 24 experiencing the highest rates of stalking.

"There is a dangerous intersection between stalking and more violent crimes," said Cindy Dyer, Director of the Office on Violence Against Women (OVW).

While women are significantly more likely to be stalked by a male (67 percent) than a female (24 percent), men are just as likely to be stalked by another male (41 percent) than a female (43 percent).

Nearly three in four victims say they know their offender. Stalking victims most often identify the stalker as a former intimate partner (22 percent), or a friend, roommate or neighbor (16 percent).

Only about one in ten victims is stalked by a stranger.

Stalking victims are most likely to receive unwanted phone calls (66 percent), be the victim of rumors (36 percent), be followed or spied on (34 percent), receive unwanted letters or email (31 percent) and have their stalkers show up at places with no reason to be there (31 percent).

Approximately 60 percent of victims do not report the stalking to police.

The study defines stalking as a course of conduct directed at a specific person that

would cause a reasonable person to feel fear.

- Technology has become a quick and easy way for stalkers to monitor and harass their victims. More than one in four stalking victims reports that some form of cyberstalking was used against them, such as email (83 percent of all cyberstalking victims) or instant messaging (35 percent).
- Electronic monitoring of some kind is used to stalk one in 13 victims. Video or digital cameras are as likely as listening devices or bugs to be used to track victims.
- About 130,000 victims reported that they were fired or asked to leave their job because of the stalking.
 - About one in eight employed stalking victims lost time from work because of fear for their safety or because they needed to get a restraining order or testify in court. More than half these victims lost five days or more from work.

Thank you so very much for your time and consideration.

Most respectfully,

Dara Carlin, M.A.

Independent Domestic Violence Survivor Advocate

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Speaking Up is a project of the Family Violence Prevention Fund. Produced by PR Solutions, Inc., Washington, DC. Phone: 202/371 1999; Fax: 202/371 9142; E-mail: speakingup@prsolutionsdc.com.

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