STAND. COM. REP. NO. 635

Honolulu, Hawaii

March 3 , 2011

RE: H.B. No. 618 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 618 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this bill is to better protect Hawaii's citizens from new threats arising from the advance of modern technology and the Internet by:

- (1) Creating the offense of aggravated online harassment and online harassment;
- (2) Expanding the unauthorized transfer of personal information prohibited by harassment by impersonation to include domain addresses; and
- (3) Increasing harassment by impersonation to a class C felony if done with the intent to solicit a response by emergency personnel.

The Family Court Interventions Task Force and several individuals testified in support of this measure. The Office of the Public Defender opposed this measure.

Your Committee has amended this measure by:

- (1) Renaming the two offenses of online harassment as aggravated harassment by online impersonation and harassment by online impersonation;
- (2) Clarifying that the harm addressed by harassment by online impersonation means a loss, disadvantage, or injury, or anything so regarded by the person affected, including a loss, disadvantage, or injury to any other person or entity in whose welfare the person affected is interested;
- (3) Changing the effective date to January 7, 2059, to promote further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 618, H.D. 1, and be placed on the calendar for Third Reading.

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

SILBERT KEITH-AGARAN, Chair

HSCR 635

State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 678	Committee Referral: JUD		Date:	3/1/11	_	
☐ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
JUD Members		Ayes	Ayes (W	(R)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)						
2. RHOADS, Karl (VC)						/
3. BROWER, Tom						/
4. CABANILLA, Rida T.R.						✓
5. CARROLL, Mele						/
6. HERKES, Robert N.						
7. ITO, Ken			-			
8. LUKE, Sylvia						
9. McKELVEY, Angus L.K.			•			
10. MORITA, Hermina M.						
11. OSHIRO, Blake K.						
12. SOUKI, Joseph M.						
13. TSUJI, Clift						
14. FONTAINE, George R.		<u> </u>		<u>-</u> -		·
15. MARUMOTO, Barbara C.						
16. THIELEN, Cynthia		<u> </u>				
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TOTAL (16)		9	-			7
The recommendation is: If joint referral, did not support recommendation. committee acronym(s)						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						