STAND. COM. REP. NO. **3232** 

Honolulu, Hawaii

APR 0 5 2012

RE: H.B. No. 2295

H.D. 1 S.D. 2

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2295, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CYBERBULLYING,"

begs leave to report as follows:

The purpose and intent of this measure is to address the increase in cyberbullying by:

- (1) Establishing that knowingly using a computer to perform certain acts against a victim or intended victim of harassment under section 711-1106, Hawaii Revised Statutes, or harassment by stalking under section 711-1106.5, Hawaii Revised Statutes, constitutes the offense of use of a computer in the commission of a separate crime; and
- (2) Clarifying that the offense of use of a computer in the commission of a separate crime also includes knowingly using a computer to pursue, survey, contact, harass, annoy, or alarm a victim or intended victim.

Your Committee received testimony in support of this measure from one private individual.

Your Committee finds that this measure assists in combating cyberbullying and preventing the emotional harm caused by the dissemination of personal information of an individual, whether

2012-1847 SSCR SMA.doc

3232

true or false, via the Internet or wireless cellular communication. These actions can be as harmful as offensive physical contact or face-to-face insults, taunts, or challenges.

Your Committee has amended this measure by:

- (1) Replacing "survey" with "surveil" under the offense of use of a computer in the commission of a separate crime; and
- (2) Changing the effective date from January 7, 2059, to upon approval.

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 H.B. No. 2295, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2295, H.D. 1, S.D. 2.

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

CLAYTON HEE, Chair

## The Senate Twenty-Sixth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee Referral: Date:				
HB2295, HDI, SDI	EDT, NOL 3/27//			12	
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
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)		V.			
GABBARD, Mike					
IHARA, Jr., Les		/			
SLOM, Sam	_				
	,				
<u> </u>					<u></u>
					1i
TOTAL		5			
Recommendation:  Adopted Not Adopted					
7 Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re					

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