

FEB 22 2016

SENATE CONCURRENT RESOLUTION

REQUESTING THE FEDERAL GOVERNMENT AND THE ATTORNEY GENERAL OF
THE STATE TO EXAMINE WAYS TO REMOVE DEFAMATORY STATEMENTS
FROM THE INTERNET.

1 WHEREAS, slander and libel can defame a person's reputation
2 and standing in the person's family and community, and can even
3 affect the person's ability to work; and
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5 WHEREAS, defamatory statements can affect the profitability
6 of an honest business, which can affect the ability of its
7 employees to make a living; and
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9 WHEREAS, no one has a constitutional right to maliciously
10 and knowingly make or spread false and defamatory statements;
11 and
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13 WHEREAS, while the Internet is a useful tool in sharing
14 helpful and truthful information, it can also be a detrimental
15 and devastating tool in spreading false and defamatory
16 statements; and
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18 WHEREAS, even after a victim of defamation sues and obtains
19 a judgment in a court of competent jurisdiction against a
20 slanderer or libeler, the victim's reputation can still be
21 damaged by the republication of the defamatory comment on the
22 Internet; and
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24 WHEREAS, websites and individuals are often not aware that
25 the statements they are republishing are false and defamatory;
26 and
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28 WHEREAS, it would be unduly burdensome to require victims
29 to return to court to file suit against everyone who republishes
30 a false and defamatory statement about the victim on the
31 Internet; and
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S.C.R. NO. 35

1 WHEREAS, Internet search engines are a primary gateway to
2 the dissemination of webpage links on the Internet; now,
3 therefore,
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5 BE IT RESOLVED by the Senate of the Twenty-eighth
6 Legislature of the State of Hawaii, Regular Session of 2016, the
7 House of Representatives concurring, that the United States
8 Congress; the United States Department of Justice; the Federal
9 Communications Commission; and the Department of the Attorney
10 General, State of Hawaii are requested to examine ways to remove
11 statements and other materials from the Internet after victims
12 obtain judgments from courts of competent jurisdiction that find
13 the statements and other materials to be defamatory; and
14

15 BE IT FURTHER RESOLVED that the foregoing authorities are
16 requested to place particular emphasis on Internet search engine
17 results and the possible removal from those results of
18 hyperlinks to webpages with defamatory statements and materials;
19 and
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21 BE IT FURTHER RESOLVED that certified copies of this
22 Concurrent Resolution be transmitted to the Majority Leader of
23 the United States Senate; the Speaker of the United States House
24 of Representatives; Hawaii's congressional delegation; the
25 Attorney General of the United States; the Chairman of the
26 Federal Communications Commission; and the Attorney General of
27 the State of Hawaii.
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