

STAND. COM. REP. NO.

1839

Honolulu, Hawaii

APR 09 , 2021

RE: S.B. No. 309  
S.D. 1  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 309, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRIVACY,"

begs leave to report as follows:

The purpose of this measure is to add the intentional creation, disclosure, or threat of disclosure of certain types of realistic deep fake images or videos to the offense of violation of privacy in the first degree, subject to specified exemptions.

Your Committee received testimony in support of this measure from Imua Alliance, International Alliance of Theatrical Stage Employees Local 665, and one individual. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department.

Your Committee finds that deep fake technology enables the creation of synthetic media in which a person in an existing image or video is replaced with the likeness of another person. Your Committee further finds that this measure will protect the privacy of a person's likeness by prohibiting the unauthorized use of deep fake technology.

2021-2884 SB309 HD2 HSCR HMSO



Your Committee has amended this measure by:

- (1) Deleting language that would have required a depicted person to suffer harm as a result of a realistic photographic image or video being created, disclosed, or threatened to be disclosed as an act of revenge or retribution;
- (2) Deleting language that would have specifically amended the exception to the offense of violation of privacy in the first degree to apply to realistic photographic images or videos, instead of all images or videos; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 309, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 309, S.D. 1, H.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

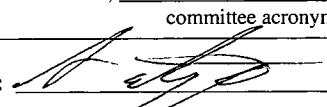
  
MARK M. NAKASHIMA, Chair



State of Hawaii  
House of Representatives  
The Thirty-first Legislature

HS CR 1839

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <b>SB 309, SDI, HDI</b>	Committee Referral: <b>CPC, JHA</b>	Date: <b>3-30-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted 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				