
A BILL FOR AN ACT

RELATING TO THE SAFETY OF JUDICIARY PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Threats and inappropriate communications to
2 judges and court personnel have escalated in recent years. A
3 June 2021 National Institute of Justice audit of the United
4 States Marshals Service's (USMS) judicial security activities
5 noted that the USMS responded to more than four thousand two
6 hundred threats or inappropriate communications against federal
7 judges and other protected persons in fiscal year (FY) 2020, an
8 increase of eighty-one per cent from the number of threats in FY
9 2016, and a two-hundred thirty-three per cent increase in
10 threats since FY 2008. At the state level, the number of
11 threats and other inappropriate communications against Hawaii
12 judges have increased tenfold in less than ten years, from two
13 in 2012 to approximately twenty in 2021.

14 Other judiciary staff whose duties put them at risk of
15 threats or violence are court social workers who monitor
16 offenders placed on probation. Staff routinely supervise
17 probationers convicted of violent crimes, and the Occupational



1 Safety and Health Administration categorizes probation officers
2 as a high risk occupation for workplace violence. Incidents of
3 threats and inappropriate communications against judiciary
4 social workers providing probation oversight have increased
5 sevenfold in the last nine years. Social workers with the
6 judiciary's office of the public guardian have also been
7 threatened with violence in the course of carrying out their
8 duties as court-appointed guardians of incapacitated persons.

9 The USMS audit also noted that, historically, the safety of
10 federal judges is at greater risk when they are away from the
11 courthouse. This statement is borne out by incidents involving
12 attacks against federal judges at their residences, which have
13 resulted in the deaths of or serious injuries to judges and
14 their family members. In at least one of these cases, the
15 attacker used the Internet to access the judge's personal
16 information.

17 The legislature further recognizes that, given the
18 availability of personal information of judges and judiciary
19 staff on the Internet, additional measures are needed to ensure
20 the safety of judges and judiciary personnel. The
21 identification of these methods will require collaboration and



1 cooperation among various governmental and nongovernmental
2 entities.

3 The purpose of this Act is to:

4 (1) Prohibit a person or an organization from posting the
5 personal information of federal and state judges and
6 other judicial staff on the Internet with the intent
7 to intimidate or threaten injury, harm, or violence to
8 the judge or staff or their immediate family members;
9 and

10 (2) Create a task force to identify further appropriate
11 measures to enhance the security of judges and
12 judiciary personnel while not diminishing civil
13 liberties or unduly hindering governmental operations.

14 SECTION 2. The Hawaii Revised Statutes is amended by
15 adding a new chapter to be appropriately designated and to read
16 as follows:

17 **"CHAPTER**

18 **INTERNET POSTING OF PERSONAL INFORMATION**

19 **§ -1 Internet posting of personal information; judges**
20 **and other court staff.** (a) A person or organization shall not
21 knowingly make available on the Internet the personal



1 information of the following individuals, with the intent to
2 intimidate or threaten injury, harm, or violence to the
3 individual or the individual's immediate family members:

4 (1) A sitting, full-time judge of the Hawaii state
5 district court, circuit court, or intermediate court
6 of appeals;

7 (2) A sitting, full-time justice of the Hawaii supreme
8 court;

9 (3) A sitting federal judge;

10 (4) Judiciary social workers who:

11 (A) Perform the following functions while managing
12 and supervising a caseload of clients referred
13 for court-ordered treatment, supervision, or
14 probation:

15 (i) Provide professional social casework
16 services to clients for the purpose of
17 control, treatment, and rehabilitation; or

18 (ii) Monitor clients' compliance with and enforce
19 the terms and conditions of court-ordered
20 supervision or probation, making
21 recommendations for modification or



1 revocation of court orders, as appropriate;

2 or

3 (B) Serve as court-appointed guardian in the office

4 of the public guardian under chapter 551A; or

5 (5) United States probation and pretrial officers.

6 (b) For the purposes of this section:

7 "Federal judge" means a justice of the United States
8 Supreme Court, judge of the United States Court of Appeals,
9 judge or magistrate judge of the United States District Court,
10 or judge of the United States Bankruptcy Court.

11 "Home address" includes a person's permanent residence and
12 any secondary residences affirmatively identified by the person
13 but does not include a person's work address.

14 "Immediate family member" means a spouse, child, or parent,
15 or other minor or adult who lives in the residence, of the
16 individuals listed in subsection (a)(1) to (5).

17 "Judiciary" means the branch of government established in
18 section 601-1.

19 "Organization" means an association or entity, including
20 charitable, religious and nonprofit organizations, for-profit



1 organizations, and business entities, formed for a specific
2 purpose.

3 "Personal information" means a home address, home telephone
4 number, cellular telephone number, pager number, social security
5 number, personal email address, directions to the person's home,
6 vehicle license plate number, or photographs of the person's
7 home or vehicle.

8 § -2 **Injunctive and declaratory relief; attorney's fees**
9 **and costs.** A person whose personal information is disseminated
10 in violation of section -1 may bring an action seeking
11 injunctive or declaratory relief. If a court finds that a
12 violation has occurred, it may grant injunctive or declaratory
13 relief and shall award the person reasonable attorney's fees and
14 costs. Nothing in this section is intended to preclude civil or
15 criminal liability or relief under any other provision of law."

16 SECTION 3. (a) A judicial security task force shall be
17 convened and shall be placed within the judiciary for
18 administrative purposes. The task force shall examine,
19 evaluate, and determine optimal methods for securing online
20 personal information of federal and state judges and appropriate
21 judiciary personnel, which may include requirements for non-



1 disclosure or redaction of personal information on the Internet.

2 The task force shall have the following objectives:

3 (1) Identify, consult, and collaborate with public and
4 private stakeholders to secure online personal
5 information of federal and state judges and specified
6 judiciary staff;

7 (2) Consider how other states, including New Jersey,
8 California, Washington, and Illinois, as well as
9 Congress are addressing the issue of judicial security
10 with regard to prohibiting or limiting the online
11 publication or posting of certain personal information
12 for specified persons;

13 (3) Determine the most effective practices or
14 restrictions, including those that limit persons,
15 businesses, and associations from publicly posting,
16 publishing, or displaying personal information
17 concerning federal and state judges and certain
18 judiciary personnel;

19 (4) Determine appropriate exceptions to these practices or
20 restrictions, if any, for any suggested redaction or



1 nondisclosure requirements, including matters
2 affecting the title to real property;

3 (5) Make recommendations regarding measures that would
4 enhance judicial security without unduly hindering
5 government operations and without diminishing civil
6 liberties and first amendment rights; and

7 (6) Make recommendations as to penalties, fines, or other
8 sanctions to be imposed for unlawful publication of
9 personal information about federal and state judges or
10 specified judiciary personnel.

11 (b) The task force shall consist of the following members:

12 (1) The administrative director of the courts or the
13 director's designee, who shall serve as a co-chair of
14 the task force;

15 (2) The director of public safety or the director's
16 designee, who shall serve as a co-chair of the task
17 force;

18 (3) The special assistant to the administrative director
19 of the courts for judiciary security;



(4) A sitting full-time judge of the Hawaii state district court, circuit court, or intermediate court of appeals;

(5) A member representing the federal judiciary, who shall be invited by the co-chairs;

(6) A member appointed by the governor;

(7) The attorney general or the attorney general's designee;

(8) The comptroller or the comptroller's designee representing the office of enterprise technology services;

(9) The director of commerce and consumer affairs or the director's designee;

(10) A member representing the city and county of Honolulu, real property tax division;

(11) A member representing the law enforcement community, who shall be invited by the co-chairs; and

(12) A member of the nonprofit sector, who shall be invited by the co-chairs.

Task force members may recommend for membership on the task force additional stakeholders with appropriate expertise,



1 subject to approval by the co-chairs. For purposes of this
2 subsection, "stakeholder" means a representative of a regional,
3 state, or local government agency; a representative of a
4 nongovernmental organization in areas that may include civil
5 liberties, data collection and dissemination, and law
6 enforcement; or advocates having experience in data collection
7 and dissemination on the Internet, civil liberties, or law
8 enforcement.

9 (c) The initial meeting of the task force shall occur no
10 later than sixty days after the effective date of this Act,
11 during which the members shall elect a vice chair and any other
12 necessary officers from among the appointed members.

13 (d) The task force shall meet no less than quarterly and
14 may hold additional public meetings as deemed necessary.
15 Meetings may be held virtually.

16 (e) Members of the task force shall receive no
17 compensation for their duties and shall not be subject to
18 section 84-17, Hawaii Revised Statutes, solely based on their
19 participation on the task force. The task force shall be exempt
20 from chapter 92, Hawaii Revised Statutes.



1 (f) The task force shall submit a report of its findings
2 and recommendations, including any proposed legislation, to the
3 legislature no later than twenty days prior to the convening of
4 the regular session of 2023.

5 (g) The task force shall cease to exist on July 1, 2023.

6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. This Act shall take effect upon its approval.

10



Report Title:

Judiciary Package; Judges; Court Staff; Information; Safety

Description:

Prohibits the posting of judges' and other court staff's personal information on the Internet with the intent to intimidate or threaten. Establishes a judicial security task force to review and recommend additional measures to enhance the security of judges and judiciary personnel. (HD1)

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