
A BILL FOR AN ACT

RELATING TO THE DISCLOSURE OF PERSONAL INFORMATION ASSOCIATED
WITH CERTAIN PUBLIC SERVANTS.

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

1 SECTION 1. The legislature finds that across the country,
2 elected state and local officials, judges, election officials,
3 school board officials, and others in decision-making positions
4 that directly impact the public or an individual and other high-
5 profile government positions have experienced an alarming
6 increase in acts of violence, or attempts to engage in acts of
7 violence, at their personal residence or the residence of a
8 family member. In the past three years, two government
9 officials and the family member of another were killed at their
10 home. Most recently, in October 2023, Maryland Judge Andrew
11 Wilkinson was shot and killed in his driveway by a litigant in a
12 case pending before him. Earlier in 2023, in February, New
13 Jersey Councilwoman Eunice Dwumfour was shot and killed outside
14 her home. In July 2020, U.S. District Court Judge Esther Salas'
15 son, Daniel Anderl, was shot and killed in their family home in
16 New Jersey by an attorney who had appeared before the judge. In



1 October 2022, Paul Pelosi, Speaker of the House Nancy Pelosi's
2 spouse, was brutally assaulted in the couple's home, resulting
3 in hospitalization and surgery due to a skull fracture received
4 during the altercation. In October 2020, the U.S. Federal
5 Bureau of Investigation thwarted a group that was planning to
6 kidnap the governor of Michigan, Gretchen Whitmer, and
7 ultimately nine individuals were convicted or pled guilty in the
8 prosecution that ensued.

9 The legislature also finds that a 2021 study titled "On the
10 Frontlines of Today's Cities: Trauma, Challenges and Solutions"
11 by the National League of Cities found that eighty-one per cent
12 of local public officials surveyed said they had experienced
13 harassment, threats, or violence in recent years. In addition
14 to having their safety and well-being threatened, the report
15 found that harassment and violent behavior interrupted local
16 officials' ability to do their jobs and led to the loss of
17 institutional knowledge due to resignations. Other public
18 servants, including local election officials, have also
19 experienced increased threats and harassment. According to a
20 Brennan Center for Justice April 2023 of over ten thousand local
21 election officials across the country, thirty per cent reported



1 being threatened, harassed, or abused. More than half reported
2 that the threats were in person. Seventy-three per cent
3 believed that threats against election officials have increased
4 recently.

5 The legislature also finds that data gathered by the
6 federal and state courts illustrates that the trend of threats
7 and inappropriate communications against public officials is
8 increasing. Federal judges and other court personnel were the
9 targets of more than four thousand five hundred threats and
10 other inappropriate communications in 2021, according to the
11 United States Marshals Service. This represents an increase of
12 eighty-one per cent from the number of threats in fiscal year
13 2016, just five years prior, and a two hundred thirty three per
14 cent increase in threats since fiscal year 2008. At the state
15 level, the number of threats and other inappropriate
16 communications to Hawai'i judges have increased tenfold since
17 2012. A recent Marshals Service audit found that federal
18 judges' safety is at greater risk when they are away from the
19 courthouse. This statement is borne out by incidents involving
20 attacks against both federal and state judges at their
21 residences, which have resulted in the deaths of or serious



1 injuries to judges and their family members. In multiple cases,
2 the attacker or would-be attacker used the Internet to access
3 judges' personal information. The legislature notes that Act
4 46, Session Laws of Hawaii 2022 (Act 46), which established a
5 judicial security task force, was passed in recognition of the
6 need for additional measures to ensure the safety of judges in
7 Hawai'i. The task force recommended that legislation to protect
8 personal information be enacted.

9 Accordingly, the purpose of this Act is to create the
10 offense of unlawful publication of personal information that
11 prohibits disclosures of personal information by a person or
12 organization that intends to cause harass, disparage, or harm a
13 public servant. This Act is not intended to restrain a public
14 servant from independently making public their own personal
15 information.

16 SECTION 2. Chapter 711, Hawaii Revised Statutes, is
17 amended by adding a new section to be appropriately designated
18 and to read as follows:

19 "§711- Unlawful publication of personal information.

20 (a) No person or organization shall knowingly disclose or post
21 protected personal information including but not limited to the



1 home address or telephone number of any public official with the
2 intent to cause reputational harm, emotional injury, or bodily
3 injury that is likely to occur, or threatening to cause bodily
4 injury to that individual.

5 (b) A violation of this section is a misdemeanor; provided
6 that a violation of this section that results in the actual
7 reputational harm, emotional injury, or bodily injury of the
8 public official or the public official's spouse or child, is a
9 class C felony."

10 SECTION 3. Chapter 801G, Hawaii Revised Statutes, is
11 amended by adding a new section to be appropriately designated
12 and to read as follows:

13 "§801G- Publication and disclosure of public servants'
14 personal information; restrictions. (a) Except as otherwise
15 provided in subsection (d), upon receipt of a written request
16 from a covered public servant, a person or organization shall
17 not disclose or make publicly available content that includes
18 the protected personal information of the covered public servant
19 and their family. After a person or organization has received a
20 written request, the person or organization shall:



1 (1) Remove the protected personal information from the
2 Internet within seventy-two hours;

3 (2) Ensure that the protected personal information is not
4 made available on any website or subsidiary website
5 controlled by that person or organization; and

6 (3) Not distribute, give, or transfer the protected
7 personal information to any other person or
8 organization through any medium.

9 (b) A written request pursuant to this section shall be
10 valid if the covered public servant or a representative of the
11 covered public servant's employer submits a request in writing
12 directly to a person or organization; provided that the covered
13 public servant has given written consent to the representative.

14 A written request shall specify what protected personal
15 information shall be maintained as private. A written request
16 is valid until the covered public servant provides the person or
17 organization with written permission to release the protected
18 personal information, or until the covered public servant's
19 death.

20 (c) If a person or organization violates this section, the
21 covered public servant or family member whose protected personal



1 information is made public as a result of the violation may
2 bring an action seeking damages as well as injunctive or
3 declaratory relief in any court of competent jurisdiction. If
4 the court finds in the plaintiff's favor and or grants
5 injunctive or declaratory relief, the person or organization
6 responsible for the violation shall be required to pay the costs
7 and reasonable attorney's fees of the covered public servant or
8 their family.

9 (d) This section shall not apply to:

- 10 (1) Protected personal information that the covered public
11 servant or family member voluntarily publishes on the
12 Internet after the effective date of this chapter;
13 (2) Records pertaining to property presumed abandoned
14 pursuant to chapter 523A, the Uniform Unclaimed
15 Property Act;
16 (3) Information subject to disclosure pursuant to a court
17 order;
18 (4) Filings made pursuant to chapter 490, the Uniform
19 Commercial Code, and recorded judgments;
20 (5) Copies of recorded instruments affecting title to real
21 property that contain protected personal information



1 that are provided by the bureau of conveyances to a
 2 title insurance company that has requested to access
 3 the record in its ordinary course of business; and
 4 (6) Records a government agency provides to any other
 5 government entity pursuant to this chapter; provided
 6 that this paragraph shall not provide an exemption for
 7 persons or organization to disclosure information.

8 (e) For purposes of this section:

9 "Covered public servant" means:

- 10 (1) The governor;
- 11 (2) The lieutenant governor;
- 12 (3) The state administrative director appointed pursuant
 13 to section 26-3;
- 14 (4) Any head of a state department established under
 15 section 26-4;
- 16 (5) Any member of the legislature;
- 17 (6) Any active, formerly active, or retired:
 - 18 (A) Justice of the Hawaii supreme court;
 - 19 (B) Judge of the Hawaii intermediate court of
 20 appeals;



- 1 (C) Judge of a Hawaii circuit court or circuit family
- 2 court;
- 3 (D) Judge of a Hawaii district court or district
- 4 family court; or
- 5 (E) Per diem judge of a Hawaii district court or
- 6 district family court;
- 7 (7) Any active, formerly active, or retired:
- 8 (A) Justice of the United States Supreme Court;
- 9 (B) Judge of the United States Court of Appeals;
- 10 (C) Judge or magistrate judge of the United States
- 11 District Court; or
- 12 (D) Judge of the United States Bankruptcy Court,
- 13 who resides in the State, formerly resided in the
- 14 State while serving as a federal judge, or owns real
- 15 property in the State;
- 16 (8) The administrative director of the courts;
- 17 (9) The deputy administrative director of the courts;
- 18 (10) Any employee or volunteer of the office of elections;
- 19 or
- 20 (11) Any person designated for good cause by the governor,
- 21 chief justice, chairperson of the office of Hawaiian



1 affairs, president of the senate, or speaker of the
2 house of representatives in the designator's
3 respective body.

4 "Disclose" means to sell, manufacture, give, provide, lend,
5 trade, mail, deliver, transfer, post, publish, distribute,
6 circulate, disseminate, present, exhibit, advertise, or offer by
7 any means including but not limited to electronic transmission
8 and on any medium including but not limited to the Internet.

9 "Family" means spouses or reciprocal beneficiaries, former
10 spouses or former reciprocal beneficiaries, persons who have a
11 child in common, parents, children, persons related by
12 consanguinity, persons jointly residing or formerly residing in
13 the same dwelling unit, and persons who have or have had a
14 dating relationship.

15 "Government agency" means any department, division, board,
16 commission, public corporation, or other agency or
17 instrumentality of the State or any county.

18 "Home" means a permanent residence and any secondary
19 residences affirmatively identified by the covered public
20 servant but does not include a work address or investment
21 property.



1 "Organization" means an association or entity including a
2 charitable, religious, or nonprofit organization; for-profit
3 organization; or business entity, formed for a specific purpose.

4 "Protected personal information" includes a home address
5 and any property ownership information; contact information
6 including but not limited to a home telephone number, cellular
7 phone number, and direct telephone number to a covered person's
8 private office or chambers; personal email address; directions
9 to the covered public servant's or a family members' home;
10 photograph of a covered public servant's or a family members'
11 home that legibly displays the address or otherwise identifies
12 the location; photograph of a covered public servant's or family
13 member's vehicle that legibly displays the vehicle license plate
14 number; the names and locations of schools and day care
15 facilities attended by the children of the covered public
16 servant; identity of children of the covered public servant that
17 are under the age of eighteen; voter registration information;
18 the contents of any application for absentee voter's ballots;
19 property tax records; and the name and address of the employer
20 of any family member.



1 "Publicly available content" means any written, printed, or
2 electronic document or record that provides information or that
3 serves as a document or record maintained, controlled, or in the
4 possession of a government agency that may be obtained by any
5 person or entity, from the Internet, from the government agency
6 upon request either free of charge or for a fee, or in response
7 to a request pursuant to chapter 92F.

8 "Post or display" means to communicate to another or to
9 otherwise make available to the general public."

10 SECTION 4. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 5. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 6. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on September 1,
21 2024.



Report Title:

Public Servants; Public Officials; Government Records; Public Records; Personal Information; Disclosure; Prohibition; Criminal Offense; Unlawful Publication of Personal Information

Description:

Establishes within the State's Address Confidentiality Program protection for public servants that prohibits upon written request from the public servant or representative any person or organization from disclosing certain personal information. Establishes the offense of unlawful publication of personal information that prohibits any person or organization from knowingly disclosing protected personal information of public officials with the intent to cause reputational harm, emotional injury, or bodily injury. Takes effect 9/1/2024. (Proposed SD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

