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# 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. The legislature finds that threats and  
2 inappropriate communications to judges and court personnel  
3 continue to escalate. United States federal judges were the  
4 targets of more than four thousand five hundred threats and  
5 other inappropriate communications in 2021, according to the  
6 United States Marshals Service. This represents an increase of  
7 eighty-one per cent from the number of threats in fiscal year  
8 2016, and a two hundred thirty-three per cent increase in  
9 threats since fiscal year 2008. At the state level, the number  
10 of threats and other inappropriate communications to Hawaii  
11 judges have increased tenfold in less than ten years, from two  
12 in 2012 to approximately twenty in both 2021 and 2022.

13           The legislature further finds that other judiciary staff  
14 have duties that put them at risk of threats or violence. These  
15 include social workers, who monitor offenders placed on  
16 probation. Judiciary staff supervise probationers convicted of  
17 violent crimes, and the Occupational Safety and Health



1 Administration categorizes probation officers as being in a  
2 high-risk occupation for workplace violence.

3 The legislature notes that incidents of threats and  
4 inappropriate communications to judiciary social workers who  
5 provide probation oversight have increased sevenfold in the last  
6 nine years. Social workers with the judiciary's office of the  
7 public guardian have also been threatened with violence while  
8 carrying out their duties as court-appointed guardians of  
9 incapacitated persons. Overall, threats and inappropriate  
10 communications toward state judiciary employees rose from seven  
11 in 2017 to thirty-six in 2022.

12 The legislature also notes that a recent United States  
13 Marshals Service audit found that federal judges' safety is at  
14 greater risk when they are away from the courthouse. This  
15 statement is borne out by incidents involving attacks against  
16 federal judges at their residences, which have resulted in the  
17 deaths of or serious injuries to judges and their family  
18 members. In at least one of these cases, the attacker used the  
19 internet to access the judge's personal information.

20 The legislature finds that Act 46, Session Laws of Hawaii  
21 2022 (Act 46), which established a judicial security task force,



1 was passed in recognition of the need for additional measures to  
2 ensure the safety of judges and judiciary personnel. The  
3 purpose of the task force was to identify appropriate measures  
4 to enhance the security of judges and judiciary personnel while  
5 not diminishing civil liberties or unduly hindering governmental  
6 operations. The task force's efforts included consideration of  
7 optimal methods for securing personal information posted on the  
8 internet, including requiring nondisclosure or redaction of the  
9 information. Among other things, the task force recommended the  
10 reintroduction of a proposal from an earlier draft of Act 46 to  
11 prohibit internet postings of the personal information of judges  
12 and certain judicial staff if the posting is made with the  
13 intent to intimidate or threaten harm.

14 Accordingly, the purpose of this Act is to prohibit, in  
15 certain circumstances, the publication of the personal  
16 information of state and federal judges and other judicial staff  
17 whose duties put them at risk for acts of violence or threats,  
18 including publication where the post is made with the intent to  
19 intimidate or threaten, or where a reasonable person would  
20 believe that providing the information would expose the at-risk  
21 individual to harassment or risk of harm to life or property.



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

4 "CHAPTER

5 INTERNET POSTING OF PERSONAL INFORMATION

6 § -1 Internet posting of personal information; judges  
7 and other court staff. (a) A person or organization shall not  
8 knowingly make available on the internet the personal  
9 information of the following individuals, with the intent to  
10 intimidate or to threaten injury, harm, or violence to the  
11 individual or the individual's immediate family members, or  
12 under circumstances in which a reasonable person would believe  
13 that providing the information would expose the individual to  
14 harassment or a risk of harm to life or property:

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

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

20 (3) A sitting federal judge;

21 (4) A judiciary social worker who:



1 (A) Performs the following functions while managing  
2 and supervising a caseload of clients referred  
3 for court-ordered treatment, supervision, or  
4 probation:

5 (i) Providing professional social casework  
6 services to clients for the purpose of  
7 control, treatment, and rehabilitation; or

8 (ii) Monitoring clients' compliance with, and  
9 enforcing the terms and conditions of,  
10 court-ordered supervision or probation, and  
11 making recommendations for modification or  
12 revocation of court orders, as appropriate;  
13 or

14 (B) Serves as a court-appointed guardian in the  
15 office of the public guardian under chapter 551A;  
16 or

17 (5) A United States probation and pretrial officer.

18 (b) For the purposes of this chapter:

19 "Federal judge" means a justice of the United States  
20 Supreme Court, judge of the United States Court of Appeals,



1 judge or magistrate judge of the United States District court,  
2 or judge of the United States Bankruptcy Court.

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

6 "Immediate family member" means a spouse, child, parent, or  
7 other minor or adult who lives in the residence of the  
8 individuals listed in subsection (a).

9 "Judiciary" means the branch of government established in  
10 section 601-1.

11 "Organization" means an association or entity, including a  
12 charitable, religious, or nonprofit organization; for profit  
13 organization; or business entity, formed for a specific purpose.

14 "Personal information" means a home address, home telephone  
15 number, cellular telephone number, pager number, social security  
16 number, personal electronic mail address, directions to the  
17 person's home, vehicle license plate number, or photographs of  
18 the person's home or vehicle.

19 § -2 Injunctive and declaratory relief; attorney's fees  
20 and costs. A person whose personal information is disseminated  
21 in violation of section -1 may bring an action seeking



1 injunctive or declaratory relief. If a court finds that a  
 2 violation has occurred, it may grant injunctive or declaratory  
 3 relief and shall award the person reasonable attorney's fees and  
 4 costs; provided that nothing in this section is intended to  
 5 preclude civil relief or criminal liability under any other  
 6 provision of law.

7 § -3 Severability. If any provision of this chapter,  
 8 or the application thereof to any person or circumstance, is  
 9 held invalid, the invalidity does not affect other provisions or  
 10 applications of the chapter that can be given effect without the  
 11 invalid provision or application, and to this end the provisions  
 12 of this chapter are severable."

13 SECTION 3. This Act does not affect rights and duties that  
 14 matured, penalties that were incurred, and proceedings that were  
 15 begun before its effective date.

16 SECTION 4. This Act shall take effect upon its approval.  
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INTRODUCED BY:

*Jan*

By Request

JAN 19 2023



# H.B. NO. 386

**Report Title:**

Judiciary Package; Safety; Judiciary Personnel; Personal Information

**Description:**

Prohibits, in certain circumstances, the publication of the personal information of state and federal judges and other judicial staff whose duties put them at risk for acts of violence or threats.

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

