

STAND. COM. REP. NO.

2744

Honolulu, Hawaii

FEB 21 2024

RE: S.B. No. 2310
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2310 entitled:

"A BILL FOR AN ACT RELATING TO HARASSMENT,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit a person from using a location tracker to harass, stalk, or perpetuate a crime against another person without their knowledge.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the County of Maui and four individuals.

Your Committee finds that there are existing statutes that may apply to some of the scenarios involving tracking a person by use of a location tracker. Despite this, your Committee believes that it is important to enact a statute that explicitly identifies and prohibits the behavior when done as a means to harass the person. This measure provides a clear definition of various types of tracking devices, which section 803-42(a)(8), Hawaii Revised Statutes, does not define. Additionally, this measure does not require that the behavior happen on more than one occasion, unlike harassment by stalking pursuant to section 711-1106.5, Hawaii Revised Statutes. This measure updates the penal code to address the serious matter of using a hidden location tracker to harass, stalk, or perpetuate a crime against another person.



Your Committee has amended this measure by:

- (1) Deleting language that would have included harassment by use of location tracker as a violation of privacy in the second degree; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2310, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2310, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2310	Committee Referral: JDC	Date: 02/09/24
---	-----------------------------------	--------------------------

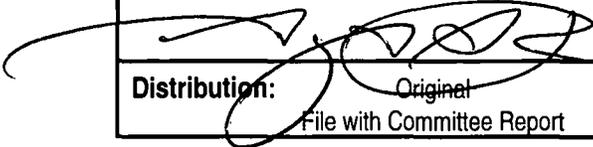
The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	/			
GABBARD, Mike (VC)				/
ELEFANTE, Brandon J.C.	/			
SAN BUENAVENTURA, Joy A.	/			
AWA, Brenton				/
TOTAL	3			2

Recommendation:
 Adopted
 Not Adopted

Chair's or Designee's Signature:


Distribution:
 Original
 Yellow
 Pink
 Goldenrod
 File with Committee Report
 Clerk's Office
 Drafting Agency
 Committee File Copy

***Only one measure per Record of Votes**