

JAN 19 2024

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. Across the country, elected officials and
2 judges have experienced an alarming increase in acts of
3 violence, or attempts to engage in acts of violence, at their
4 personal residence.

5 In October 2020, the United States Federal Bureau of
6 Investigation identified a group that planned to kidnap Michigan
7 Governor Gretchen Whitmer, and the Bureau was able to prevent
8 any harm by arresting those involved.

9 In July 2020, United States District Court Judge Esther
10 Salas's son, Daniel Anderl, was shot and killed in their family
11 home by an attorney who had appeared before Judge Salas.

12 In February 2023, New Jersey Councilwoman Eunice Dwumfour
13 was shot and killed outside her home.

14 In October 2023, Maryland Judge Andrew Wilkinson was shot
15 and killed in the driveway of his home by a litigant in a case
16 pending before him.



1 Efforts to ensure security for those public servants whose
2 work involves decision making that directly impacts the public
3 or an individual, such as elected officials and judges, have
4 taken on new urgency given these horrific murders.

5 The data gathered by the federal courts and the state
6 judiciary illustrates that this trend of threats and
7 inappropriate communications is increasing. United States
8 federal judges and other protected personnel were the targets of
9 more than four thousand five hundred threats and other
10 inappropriate communications in 2021, according to the United
11 States Marshals Service. This represents an increase of
12 eighty-one per cent from the number of threats in fiscal year
13 2016, and a two hundred thirty three per cent increase in
14 threats since fiscal year 2008. At the state level, the number
15 of threats and other inappropriate communications to Hawaii
16 judges have increased tenfold since 2012.

17 The legislature also notes that a recent United States
18 Marshals Service audit found that federal judges' safety is at
19 greater risk when they are away from the courthouse. This
20 statement is borne out by incidents involving attacks against
21 both federal and state judges at their residences, which have



1 resulted in the deaths of or serious injuries to judges and
2 their family members. In multiple cases, the attacker or
3 would-be attacker used the internet to access judges' personal
4 information.

5 The legislature finds that Act 46, Session Laws of Hawaii
6 2022, which established a judicial security task force, was
7 passed in recognition of the need for additional measures to
8 ensure the safety of judges in Hawaii.

9 Accordingly, the purpose of this Act is to restrict the
10 information published by the government or private entities that
11 identifies the personal residence and other personally
12 identifying information of certain public servants who are at
13 greater risk of harm due to the important decision-making
14 functions associated with their government jobs. This Act will
15 restrict the immediate access to certain types of location and
16 personally identifying information in order to improve the
17 safety and security of certain public servants in Hawaii.

18 This Act is not intended to restrain public servants from
19 independently making public their own personal information.
20 Nothing in this Act shall be construed to impair free access to



1 decisions and opinions expressed by public servants while
2 carrying out their public functions.

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

6 **"CHAPTER**

7 **RESTRICTIONS ON PUBLICATION AND DISCLOSURE OF PERSONAL**
8 **INFORMATION ASSOCIATED WITH CERTAIN PUBLIC SERVANTS**

9 § -1 **Definitions.** For purposes of this chapter:

10 "Covered person" means:

- 11 (1) The governor;
- 12 (2) The lieutenant governor;
- 13 (3) The state administrative director appointed pursuant
14 to section 26-3;
- 15 (4) Any head of a state department established under
16 section 26-4;
- 17 (5) Any member of the legislature;
- 18 (6) Any active, formerly active, or retired:
 - 19 (A) Justice of the Hawaii supreme court;
 - 20 (B) Judge of the Hawaii intermediate court of
21 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 this State, formerly resided in this
14 State while serving as a federal judge, or owns real
15 property in this State;

16 (8) The administrative director of the courts; or

17 (9) The deputy administrative director of the courts.

18 "Disclose" means to sell, manufacture, give, provide, lend,
19 trade, mail, deliver, transfer, post, publish, distribute,
20 circulate, disseminate, present, exhibit, advertise, or offer by
21 any means including, but not limited to, electronic transmission



1 and on any medium including, but not limited to, the internet,
2 print, and radio.

3 "Family" means a covered person's spouse, child, adoptive
4 child, foster child, parent, or any unmarried companion of the
5 covered person, or other minor or adult who lives in the same
6 residence of the covered person.

7 "Government agency" means any department, division, board,
8 commission, public corporation, or other agency or
9 instrumentality of the State or any county.

10 "Home" means a permanent residence and any secondary
11 residences affirmatively identified by the covered person but
12 does not include a work address or investment property.

13 "Organization" means an association or entity, including a
14 charitable, religious, or nonprofit organization; for-profit
15 organization; or business entity, formed for a specific purpose.
16 The term excludes any government agency.

17 "Person" means any private individual not acting on behalf
18 of a government agency.

19 "Protected personal information" means a home address and
20 any property ownership records pertaining thereto; home
21 telephone number; cellular phone number; direct telephone number



1 to a covered person's private chambers; personal email address;
2 directions to the covered person's or family members' home;
3 photograph of a covered person's home that legibly displays the
4 address; photograph of a covered person's vehicle that legibly
5 displays the vehicle license plate number; the names and
6 locations of schools and day care facilities attended by the
7 children of covered persons; identity of children under the age
8 of eighteen; the contents of any application for absentee
9 voter's ballots; voter registration information; property tax
10 records; and immediate family member's employer.

11 "Publicly available content" means any written, printed, or
12 electronic document or record that provides information or that
13 serves as a document or record maintained, controlled, or in the
14 possession of a government agency that may be obtained by any
15 person or entity, from the internet, from the government agency
16 upon request either free of charge or for a fee, or in response
17 to a request pursuant to chapter 92F.

18 "Publicly post or display" means to communicate to another
19 or to otherwise make available to the general public.

20 "Written request" means written notice signed by a covered
21 person or a representative of the covered person's employer



1 requesting a government agency, person, or organization to
2 refrain from posting or displaying publicly available content
3 that includes the protected personal information of a covered
4 person or their family.

5 § -2 **Publicly posting or displaying protected personal**
6 **information of a covered person or their family by a government**
7 **agency.** (a) Except as otherwise provided in section -6,
8 government agencies shall mark as private and shall not publicly
9 post or display the protected personal information of a covered
10 person or their family; provided that the government agency has
11 received a written request that the agency refrain from
12 disclosing such protected personal information; and provided
13 further that:

14 (1) After a government agency has received a written
15 request, the government agency shall remove the
16 protected personal information from publicly available
17 content no later than seventy-two hours after
18 receiving the request;

19 (2) After the government agency has removed the protected
20 personal information from publicly available content,
21 the government agency shall not publicly post or



1 display the protected personal information and the
2 protected personal information shall be exempted from
3 the provisions of chapter 92F unless the government
4 agency has received the covered person's written
5 consent to make the protected personal information
6 available to the public; and

7 (3) If a request is made pursuant to chapter 92F to
8 inspect and copy a public record that contains
9 protected personal information of covered persons or
10 their families that is exempt from disclosure under
11 this section, but also contains information that is
12 not exempt from disclosure, the government agency may
13 elect to redact the protected personal information
14 that is exempt. The government agency shall make the
15 remaining information available for inspection and
16 copying.

17 (b) If a government agency fails to comply with a written
18 request under subsection (a) to refrain from disclosing
19 protected personal information, the covered person or their
20 family may bring an action seeking injunctive or declaratory



1 relief in any court of competent jurisdiction. No costs or fees
2 shall be awarded.

3 § -3 **Publicly posting or displaying protected personal**
4 **information of a covered person or their family by persons and**
5 **organizations.** (a) Except as otherwise provided in
6 section -6, no person or organization shall publicly post or
7 display the protected personal information of any covered person
8 or their family if the person or organization has received a
9 written request that such protected personal information not be
10 disclosed.

11 (b) After a person or organization has received a written
12 request, that person or organization shall have seventy-two
13 hours to remove the protected personal information from the
14 internet.

15 (c) After a person or organization has received a written
16 request, that person or organization shall ensure that the
17 protected personal information is not made available on any
18 website or subsidiary website controlled by that person or
19 organization.



1 (d) After receiving a written request, no person or
2 organization shall transfer the protected personal information
3 to any other person or organization through any medium.

4 (e) If a person or organization violates this section, the
5 covered person or family member whose protected personal
6 information is made public as a result of the violation may
7 bring an action seeking injunctive or declaratory relief in any
8 court of competent jurisdiction. If the court grants injunctive
9 or declaratory relief, the person or organization responsible
10 for the violation shall be required to pay the costs and
11 reasonable attorney's fees of the covered person or their
12 family.

13 § -4 **Procedure for completing a written request.** (a)
14 Except as otherwise provided in section -5, no government
15 agency, person, or organization shall be found to have violated
16 any provision of this chapter in any circumstance in which a
17 written request has not been submitted to that agency, person,
18 or organization.

19 (b) A written request shall be valid if the covered person
20 sends a written request directly to a government agency, person,
21 or organization, or a representative from the covered person's



1 employer may submit a written request on the covered person's
2 behalf; provided that the covered person gives written consent
3 to the representative; and provided further that the
4 representative agrees to furnish a copy of that consent when a
5 written request is made.

6 (c) A written request shall specify what protected
7 personal information shall be maintained private. A written
8 request shall include any secondary residence that the covered
9 person wishes to identify as a home. A written request shall
10 disclose the identity of the covered person's family and
11 indicate what protected personal information of these family
12 members shall also be excluded to the extent that it could
13 reasonably be expected to reveal the protected personal
14 information of the covered person.

15 (d) A written request is valid until the covered person
16 provides the government agency, person, or organization with
17 written permission to release protected personal information. A
18 written request expires upon the covered person's death.

19 **§ -5 Publicly posting or displaying protected personal**
20 **information of a covered person or their family; misdemeanor.**

21 (a) Except as otherwise provided in section -6, no person



1 shall publicly post or display the protected personal
2 information of a covered person or the covered person's family,
3 in reckless disregard of the risk of intimidation, threats,
4 harassment, injury, harm, or violence to the covered person or
5 the covered person's family.

6 (b) Any person who violates this section shall be guilty
7 of a misdemeanor.

8 § -6 **Exceptions.** The following exceptions shall apply
9 to the restrictions in this chapter on the disclosure of
10 protected personal information:

11 (1) Sections -3 and -5 shall not apply to:

12 (A) The display on the internet of the protected
13 personal information of a covered person or their
14 family if the information is relevant to and
15 displayed as part of a news story, commentary,
16 editorial, or other speech on a matter of public
17 concern; or

18 (B) Protected personal information that the covered
19 person or their family voluntarily publishes on
20 the internet after the effective date of this
21 chapter;



1 (2) The bureau of conveyances shall provide unredacted
2 copies of recorded instruments affecting title to real
3 property that contain protected personal information
4 to a title insurance company that has requested to
5 access the record in its ordinary course of business;

6 (3) The following documents recorded at the bureau of
7 conveyances are exempt from section -2:

8 (A) Filings made pursuant to the Uniform Commercial
9 Code under chapter 490; and

10 (B) Recorded judgments;

11 (4) Records pertaining to property presumed abandoned
12 under chapter 523A, the Uniform Unclaimed Property
13 Act, shall be exempt from this chapter;

14 (5) Records a government agency provides to any other
15 government entity shall be exempt from section -2;
16 and

17 (6) Information otherwise subject to redaction or
18 nondisclosure under this chapter may be provided as
19 unredacted upon order of a circuit court.

20 § -7 **Severability.** If any provision of this chapter, or
21 the application thereof to any person or circumstance, is held



S.B. NO. 2379

Report Title:

Judiciary Package; Safety; Public Servants; Personal Information

Description:

Prohibits government agencies, persons, and organizations from publicly disclosing the personal information of certain public servants and their families upon receiving a written request. Establishes a misdemeanor offense for individuals who post personal information on the Internet in reckless disregard of the risk of harm to certain public servants and their families. Authorizes the display of personal information that is relevant to and displayed as part of a news story, commentary, editorial, or other speech on a matter of public concern. Effective 1/1/2025.

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

