

JAN 19 2024

A BILL FOR AN ACT

RELATING TO DEFAMATION.

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

1 SECTION 1. The legislature finds that defamation lawsuits
2 are sometimes brought against individuals who are making
3 truthful claims about sexual misconduct, which can be used to
4 silence victims. The threat of lawsuits may negatively impact
5 victims and good-faith reporters attempting to report sexual
6 misconduct. Therefore, providing additional protections to
7 individuals who make truthful claims about sexual misconduct
8 will create safer communities for Hawai'i's people.

9 Accordingly, the purpose of this Act is to protect
10 individuals making claims of sexual misconduct from defamation
11 lawsuits unless the claim is proven to be made with malice.

12 SECTION 2. Chapter 663, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§663- Defamation limited in cases of sexual assault,
16 sexual harassment, and sexual discrimination. (a) A protected



1 communication made by an individual, without malice, shall be
2 immune from any defamation action.

3 (b) A prevailing defendant in any defamation action
4 brought against the defendant for making a protected
5 communication shall be entitled to reasonable attorney's fees
6 and costs.

7 (c) For the purposes of this section, "protected
8 communication" means factual information related to any incident
9 of sexual assault, sexual harassment, or sexual discrimination,
10 experienced by the person making the communication, including
11 but not limited to:

12 (1) Any sexual misconduct offenses included in part V of
13 chapter 707;

14 (2) Any discrimination on the basis of sex pursuant to
15 section 378-2;

16 (3) Any discrimination on the basis of sex pursuant to
17 section 515-3; and

18 (4) Any retaliation for reporting or opposing sexual
19 assault, sexual harassment, or sexual discrimination."

20 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

2

INTRODUCED BY: *Kel Hanks*



S.B. NO. 2683

Report Title:

Defamation; Litigation; Sexual Assault; Sexual Harassment;
Sexual Discrimination; Immunity

Description:

Protects individuals who make claims of sexual misconduct from defamation lawsuits unless the claims were proven to be made with malice.

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