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# 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) No



1 individual shall be liable in damages in any defamation action  
2 for making a protected communication without malice.

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.

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



**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. (SD1)

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

