



MARCH 18, 2026

## HOUSE BILL 1682 HD1

CURRENT REFERRAL: LBT

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Kris Coffield,  
*President*

David Negaard,  
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*Director*

Beatrice DeRego,  
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Corey Rosenlee,  
*Director*

Amy Zhao,  
*Policy and Partnerships  
Strategist*

### POSITION: SUPPORT

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Imua Alliance supports HB 1682 HD1, relating to the disclosure of intimate images, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. Increasingly, our services are being requested by survivors of image-based sexual abuse (IBSA), a growing problem facilitated by the exponential progression of technology and a key issue in battling modern-day exploitation.

IBSA is a widespread and deeply harmful phenomenon. According to a 2020 study in the Journal of the American Medical Association, approximately 1 in 5 adults in the U.S. reported having had a nude image shared without their consent, and among those, the majority experienced significant psychological distress. A 2023 report by the Cyber Civil Rights Initiative (CCRI) found that non-consensual pornography survivors experience elevated rates of anxiety, depression, PTSD, and suicidality, and many face practical harms such as job loss, educational disruption, and relationship breakups. These harms can persist indefinitely because sexually explicit images can circulate online without effective removal or accountability.

The National Center for Missing & Exploited Children (NCMEC) has documented dramatic increases in reports of child sexual abuse material (CSAM), much of which includes images originally created by minors or shared without consent. In 2023, NCMEC's CyberTipline received over 36 million reports of suspected child sexual abuse imagery, underscoring both the volume and severity of image-based abuse circulating online. Criminal law alone is often too slow or narrow to address these harms, especially for adult survivors, leaving many without meaningful recourse.

This proposal fills a critical gap by providing a civil cause of action. Survivors of IBSA often face barriers to criminal justice remedies: burden of proof, evidentiary hurdles, and limited prosecutorial resources. A civil remedy

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complements criminal law by allowing survivors to pursue accountability, monetary damages, and injunctive relief, including expedited removal orders and prohibitions on further distribution. Civil actions also incentivize platforms and third parties to act responsibly and support removal and takedown efforts.

Civil remedies for IBSA have proven their impact elsewhere. States that have adopted civil remedies for IBSA report greater survivor satisfaction, increased compliance with removal requests, and measurable reductions in reposting and re-sharing of harmful content. Civil causes of action empower survivors to be proactive partners in their own protection, rather than reliant solely on reactive enforcement to obtain justice and restore their dignity.

Prioritizing civil remedies also reduces inequities in justice access. Survivors from marginalized communities—including LGBTQ+ people, women, and young adults—are statistically more likely to be targeted for non-consensual image distribution. According to research published by the Journal of Interpersonal Violence, women and gender minorities reported higher rates of online sexual victimization than men, and survivors with limited financial resources often cannot afford privacy, counseling, or legal assistance without a civil cause of action that can bring damages and attorneys' fees.

This bill sets reasonable procedural standards—including statutes of limitations calibrated to modern digital harms, protections for anonymous reporting, and safeguards against frivolous claims—while ensuring that survivors have the tools to protect their privacy.

With aloha,

*Kris Caffield*

President, Imua Alliance



**Support for HB 1682 HD 1**  
**Before the Senate Committee on Labor and Technology**  
**Wednesday, March 18, 2026**

Dear Chair Elefante, Vice Chair Lamosao, and Members of the Committee:

My name is Kaitlin Wolff. I serve as Legislative Program Director for the Uniform Law Commission. The Uniform Law Commission is a non-profit law reform organization that develops state legislation on topics for which uniformity across the states is beneficial. Today, I am writing to urge **passage of HB 1682 HD 1**, which would enact into law the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act.

To date, this uniform act has been enacted into law in 10 jurisdictions (Arizona, Arkansas, Colorado, District of Columbia, Iowa, Nebraska, North Dakota, South Dakota, Washington, and West Virginia). Legislation is pending in three other states this year (Oklahoma, South Carolina, and Utah).

***HB 1682 HD 1 Addresses Nonconsensual Pornography***

This uniform act addresses the growing issue of nonconsensual pornography, the sharing of private, intimate images of a person without that person’s consent. A recent article in the *Journal of Cybersecurity* underscores that technological advances and platform interconnectivity have expanded opportunities for individuals to engage in image-based sexual abuse, noting that, among other modern technological developments, spy-cams smartphone cameras “enable the easy victimization of strangers, acquaintances, and intimate partners alike.”<sup>1</sup>

Specifically, Section 3 of HB 1682 HD 1 combats this problem by creating a civil cause of action when there is:

- (1) An intentional disclosure or threat to disclose;
- (2) A private;
- (3) Intimate image;
- (4) Of an identifiable individual;
- (5) Without the consent of the depicted individual;
- (6) By a person who has the requisite awareness that:
  - (a) The depicted individual did not consent to the disclosure,
  - (b) The intimate image was private, and
  - (c) The depicted individual was identifiable; and
- (7) The disclosure harms the depicted individual.

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<sup>1</sup> Rebecca Umbach & Nicola Henry, *Perpetration of Image-Based Sexual Abuse in the Digital Age: Prevalence, Motivations, and Community Attitudes in 10 Countries*, 11 JOURNAL OF CYBERSECURITY 1 (2025), <https://academic.oup.com/cybersecurity/article/11/1/tyaf033/8322282>.

To have the requisite awareness under the act, the discloser must either (1) have known; or (2) have known or acted with reckless disregard.

***HB 1682 HD 1 Provides Remedies for Victims of Unauthorized Disclosures***

Under Section 6 of the bill, a prevailing plaintiff may recover actual damages, statutory damages, and, where appropriate, punitive damages, and attorney's fees. A plaintiff may also recover an amount equal to the gain made by the defendant from disclosure of the intimate image if applicable.

***HB 1682 HD 1 Establishes Clear Exceptions to Liability***

Finally, Section 4 of the act includes clear exceptions to liability. For instance, there are exceptions for disclosures made in good faith in law enforcement, legal proceedings, medical education or treatment, or reporting or investigation of unlawful or unwelcome conduct.

Thank you for your consideration of the bill, and I urge the Committee to **pass HB 1682 HD 1**.

Respectfully,  
Kaitlin Wolff



**Written Testimony by Elizabeth Kent  
In Support of HB 1682, HD 1  
Before the Committee on Labor and Technology  
March 18, 2026, at 3:00 p.m.**

Aloha Chair Elefante and Committee Members:

Thank you for the opportunity to express strong support for HB 1682, HD 1, which would enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. HB 1682, HD 1 is based on a bill drafted by the Uniform Law Commission (ULC), a non-partisan organization of volunteer attorneys appointed by their states. I serve as one of the ULC's commissioners from Hawaii.

It might be helpful to understand the ULC's drafting process to get a better picture of the background of this bill. The uniform law that forms the basis for HB 1682, HD 1 took three years to create. First, a committee met five times over the course of six months to study the issue and determine if it was a project that would benefit from uniformity between the states. After finding that states would benefit from having a uniform law, a drafting committee was formed. That drafting committee met in-person four times, with meetings lasting approximately two days each. Many people participated in the drafting process, including constitutional scholars, victims' advocates, and representatives from the Electronic Frontier Foundation, Facebook, Federal Trade Commission, American Association for Justice, and legal aid organizations. The drafting committee circulated drafts and met via conference call between in-person meetings as well.

The drafting committee prepared more than eleven different drafts over two years of meetings before finalizing the act. The drafting committee's final product was presented to the ULC body of delegates (about 250 commissioners), who thoroughly reviewed it and made recommendations for changes.

This uniform act has been enacted in ten jurisdictions and introduced in four more this year. Uniformity of laws between the states on subjects for which there is no federal jurisdiction is important because it reduces legal complexity, provides certainty for those who use them, and provides more consistent legal outcomes. Uniformity can also foster interstate commerce. Many members of the military live in Hawaii, and our economy is dependent on tourism. Because people often come and go, and because incidents of the unauthorized release of intimate images may take place over social media where recipients are in different states, uniformity may be especially beneficial.

Enacting this bill would provide benefits for victims that do not exist under current Hawaii law. HB 1682, HD 1 creates a civil cause of action for the unauthorized disclosure of an intimate image when (1) there is an intentional disclosure or threat to disclose a private intimate image of an identifiable individual without the consent of the depicted individual, (2) the person who is disclosing the image has the requisite awareness that the person did not consent to the disclosure, and (3) the disclosure harms the depicted individual. The disclosure of private images without consent and for no legitimate purpose can cause severe and irreversible harm; this cause of action would address that harm and provide for additional remedies.

HB 1682, HD 1 makes clear remedies available to victims of unauthorized disclosures or threatened disclosures. Under HB 1682, HD 1, a prevailing plaintiff may recover:

1. The greater of:
  - a. Economic and noneconomic damages caused by the disclosure or threatened disclosure; or
  - b. Statutory damages of up to \$10,000 against each defendant found liable;
2. An amount equal to the monetary gain made by the defendant from a disclosure; and
3. Punitive damages.

Under HB 1682, HD 1, the court may also provide reasonable attorney's fees and costs and injunctive relief. Exceptions are included in appropriate circumstances.

Section 4 of the bill provides limited exceptions for certain disclosures, including those made during law enforcement activity, legal proceedings, or medical treatment. There is also an exception for disclosures relating to matters of public concern or public interest.

Based on conversations with others who are interested in this bill, I suggest moving the definitions currently found in Section 3, at page 4, lines 1-11, to Section 2, which starts at page 1, line 10. This will make it easier for plaintiffs to navigate the court system and provide more clarity about what is necessary to prove a cause of action. As many of the victims may be pro se, this is especially important to consider.

Thank you for your consideration of HB 1682, HD 1, the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, and for the opportunity to express strong support for it. I hope Committee members will vote in favor of this bill.

Respectfully Submitted,

Elizabeth Kent  
Uniform Law Commissioner, Hawaii



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March 17, 2026

**TO: Hawai'i Senate Labor and Technology Committee**

**FROM: Ilse Knecht**  
**Director of Policy & Advocacy**  
**Joyful Heart Foundation**

**RE: Testimony in Support of House Bill 1682, Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act**

On behalf of the Joyful Heart Foundation, I am writing to express our strong support for House Bill 1682 with additional recommendations for amendments.

The Joyful Heart Foundation is a non-profit organization founded in 2004 in Hawai'i, by Law & Order: Special Victims Unit actress and advocate Mariska Hargitay to help survivors heal and reclaim joy in their lives. Today, our mission is to transform society's response to sexual assault, domestic violence, and child abuse by working to build a world that prioritizes survivors' healing. Building on our decade-long commitment to eliminating the rape kit backlog, Joyful Heart expanded its policy focus in 2024 to address the rising crisis of image-based abuse. With this expertise, we respectfully submit testimony supporting HB1682.

## Civil Remedy

The necessity of this legislation is rooted in the devastating reality that for many survivors, the "crime" never truly ends. The impact is rarely contained to a single moment. In today's digital age, "distribution" is not a static incident—it is an exponential one. There is a limitless capacity for global, permanent viewing. The harm to the survivor is not just the act of publication, but the reality that the violation of their consent and privacy is now part of a permanent, uncontrollable digital archive.

HB1682 provides survivors with a clear and necessary path to justice. This comprehensive legislation allows survivors to recover actual, statutory, and punitive damages, while also providing essential tools like injunctive relief and provisions to protect their identity through pseudonym filing. It recognizes that justice is not just about punishment; it is about providing the tools for a survivor to reclaim their future and find a pathway to healing.

## Recommendations for Amendments

We strongly urge the addition of "deepfake" or forged intimate images. It is imperative that the law reflects the severity of digital sexual violence—deepfake content has surged from about

500,000 instances in 2023 to over 8 million in 2025. Critically, an estimated 96% to 98% of all deepfakes are nonconsensual and sexually explicit, frequently targeting children as a tool for bullying and extortion. Just as Hawai'i criminalized the nonconsensual creation and disclosure of deepfake images, it is critical that a civil course of action is offered for the same violation. We cannot let our legal systems remain reactive while the tools for harassment and abuse become increasingly sophisticated and accessible.

Unlike in the past, when creating synthetic intimate images was a complicated process, recent technology has made it disturbingly easy to produce highly realistic, artificial intimate images using another person's likeness—especially through “nudify” websites and apps that simplify the process even further. With a single click, these images can spread globally, making them almost impossible to contain. There is an urgent need to modernize our penal codes to reflect the reality of 21st-century gender-based violence; without this, perpetrators will continue to weaponize innovation to inflict profound harm without impunity.

Though digitally altered images are fake, the harm is real and dehumanizing. These images are weaponized to extort, bully, threaten, and humiliate victims, leading to life-altering consequences. Survivors of this abuse suffer from anxiety, depression, and physical health complications. They often have to obtain restraining orders, change jobs and residences, and endure public judgment and humiliation. Some lose their careers and social circles. Beyond the social and professional ruin, the psychological toll is profound—survivors have described the experience as “torture for the soul and “hell on Earth.”

### **Position on Privacy Requirement**

We share the Sex Abuse Treatment Center's concerns that a requirement for an image to be “private” may create barriers to justice. In its current form, the language centers the victim's initial sharing of the image, rather than the violation of consent that constitutes the crime.

To ensure this law effectively protects survivors, we strongly recommend either removing the “private” element or amending it to reflect the relational expectation of confidentiality. This shift ensures that the law punishes the breach of trust rather than scrutinizing and placing the burden of proof on the survivor.

Peer states have navigated this by focusing on the ongoing expectation of privacy rather than the static status of the image:

- California: “... the person knew, or reasonably should have known, that the other person had a reasonable expectation that the material would remain private ...” (CAL. CIV. CODE § 1708.85).
- Colorado: “... the actor knew or reasonably should have known that the depicted individual had a reasonable expectation that the private intimate image or intimate digital depiction would remain private ...” (COLO. REV. STAT. ANN § 13-21-1503).

We will support the bill to ensure survivors have a civil cause of action, but we strongly recommend that these amendments are made.

The Joyful Heart Foundation thanks you for your efforts on this issue, and stands ready to assist you in ending tech-facilitated gender-based violence. Together, we can ensure a path to healing and justice for every survivor in Hawai'i.

With gratitude,

Ilse Knecht

A handwritten signature in black ink that reads "Ilse Knecht". The script is fluid and cursive, with the first letters of "Ilse" and "Knecht" being capitalized and prominent.

Director, Policy and Advocacy  
Joyful Heart Foundation



Date: March 15, 2026

To: Sen Brandon Elefante, Chair  
Sen Rachel Lamosao, Vice Chair  
Members of the Senate Committee on Labor and Technology

From: Lynn Costales Matsuoka, Executive Director  
The Sex Abuse Treatment Center  
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 1682, HD 1  
Relating to Disclosure of Intimate Images

Hearing: March 18, 2026, Conference Room 225, 3pm

Good morning, Chair Elefante, Vice Chair Lamosao, and Members of the Senate Committee on Labor and Technology. Thank you for the opportunity for the Sex Abuse Treatment to provide testimony in OPPOSITION to HB 1682, HD1 relating to the disclosure of intimate images.

The Sex Abuse Treatment Center opposes HB 1682, HD1 as it relates to the nonconsensual disclosure of intimate images, as a uniform civil remedy law.

Our concerns lie primarily with 1) the lack of language to cover AI/computer generated images, and 2) the requirement that the intimate image is "private". It should be noted that the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act was written in 2018. Much has changed and learned on intimate imagery and its use to commit harm against victims.

In particular is the expansion of intimate images created by AI, otherwise known as deep fakes. As technology advances, being able to detect deepfakes from authentic images becomes increasingly difficult. This legislature has already recognized the growing problem of AI or computer generated images when it expanded the offense of Violation of Privacy to include the creation or disclosure of an image of a composite fictitious person with recognizable physical characteristics of a known person. See HRS 711-1110.9(1)(c). We propose that should this legislature look to passing HB1682, HD1, that the definition of "intimate images" include "live", "recorded" and "computer generated images."

Also, the SATC has deep concerns over the requirement that the image is private, suggesting that the plaintiff/victim may not have a cause of action, if they had previously shared their intimate image with others. First, victims should have autonomy over who they share their image with. The key to this legislation is that even if the offender received or obtained the image consensually by the victim, they did not have consent to disseminate that image. The term "private" misplaces the intent of this bill, which is to create a cause of action for plaintiffs who were harmed by the disclosure of their intimate image without permission. It has nothing to

do with the image being private, but rather the **reasonable expectation that the image is and remains private.**

Requiring the intimate image be “private” invites scrutiny to the victim’s conduct regarding its creation, who the image was shared with and the circumstances behind the sharing. All issues are not relevant to the analysis. The sharing of the photo previously does not make the image any less private for the victim. and victims should not have to defend their actions, even if they did. Any victim should have the right to share their image, intimate or otherwise, with whomever they choose. This decision is personal and for them to make without question or judgment. To provide the defendant with the opportunity to attack that decision only serves to steer attention away from the defendant’s wrongful conduct and focus the attention on the plaintiff/victim **past** sharing of the image, in effort to disprove the image was private.

As we see it, this bill could potentially deter victims from coming forward, knowing that if they shared the image, even in the most private setting, public scrutiny of that decision may be unavoidable.

Similarly, under the criminal counterpart, Violation of Privacy under HRS 711-1110.9 there is no requirement the image be “private”. It is enough that the nude image is disclosed without the victim’s consent and intended to cause harm. If the element of “private” is not required under the criminal laws, why would it be required of the plaintiff/victim in the civil remedies law?

We propose the following amended language as it relates to the issue of “private” as follows:

**§ -3 Disclosure of intimate images; civil action.** (a) Except as otherwise provided in section -4, a depicted individual who is identifiable and who suffers harm from a person's intentional disclosure or threatened disclosure of a private intimate image without the depicted individual's consent has a cause of action against the person if the person knew or reasonably should have known, that the depicted individual had a reasonable expectation that the intimate image would remain private.

We further propose that subsection (1),(2) and (3) be deleted as being redundant and already captured in the above section. This amendment allows for a plaintiff to move forward based on his/her reasonable expectation of privacy that the image remains private and there was no permission to share or otherwise publish it. The language is straightforward, victim sensitive and keeps the parties focused on the wrongful conduct of the offender.

Thank you for the opportunity to provide comments on HB 1682, HD 1. We respectfully ask for the amendments stated above and further time to continue discussions on this measure.



March 17, 2026

Position: **SUPPORT** of **HB1682 HD1**, Relating to the Disclosure of Intimate Images

**To:** Senator Brandon J.C. Elefante, Chair  
Senator Rachele Lamosao, Vice Chair  
Members of the Senate Committee on Labor and Technology

**From:** Llasmin Chaîne, LSW, Executive Director, Hawaii State Commission on the Status of Women

**Re:** Testimony in **SUPPORT** of **HB1682 HD1**, Relating to the Disclosure of Intimate Images

Hearing: Wednesday, March 18, 2026, 3:00 p.m.  
Conference Room 225, State Capitol

The Hawaii State Commission on the Status of Women is dedicated to advancing gender equity and safeguarding the rights and dignity of all women and girls in Hawaii. **HB1682 HD1**, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, **directly addresses the harm caused by nonconsensual sharing of intimate images, a serious issue that disproportionately affects women and undermines their safety, privacy, health and economic security.**

By establishing clear civil remedies for victims, this bill **provides a necessary avenue for recourse and accountability.** The unauthorized disclosure of intimate images can result in significant emotional distress, reputational damage, and barriers to employment and education. The proposed legislation empowers survivors and deters future violations by clarifying legal standards and remedies.

The Commission respectfully encourages the Legislature to **advance HB1682 HD1** and recommends ongoing review of the law's implementation to ensure continued alignment with evolving technology and community needs.

Thank you for this opportunity to submit testimony.



March 18, 2026

Senator Brandon J.C. Elefante, Chair  
Senator Rachele Lamosao, Vice Chair  
Committee on Labor and Technology

**Re: H.B. 1682, H.D. 1, Relating to the Disclosure of Intimate Images**

**Hearing: Wednesday, March 18, 3:00 PM, Conference Room 225 & Videoconference**

Dear Chair Elefante, Vice Chair Lamosao, and the Members of the Committee:

Hawaii Women Lawyers is a lawyer's trade organization that aims to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

**Hawaii Women Lawyers submits testimony in support of H.B. 1682, H.D. 1**, enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, which provides critical civil protections for individuals who have suffered harm from the nonconsensual sharing or threat of sharing intimate images.

The bill acknowledges the severe emotional, economic, and reputational harm that image-based abuse can cause, especially when victims are targeted online by perpetrators acting anonymously or for personal gain. H.B. 1682 provides a clear civil cause of action and tailored remedies, including damages, injunctive relief, and privacy protections.

This measure promotes gender equity and bodily autonomy by ensuring that no one's most private moments can be weaponized against them without consequence. It sends a strong message that Hawaii will protect the dignity and safety of all its residents, especially those vulnerable to digital abuse.

**For the above reasons, we support H.B. 2455, H.D. 1 and respectfully request that the Committee pass this measure.**

Thank you for the opportunity to testify in support of this measure.

**LATE**



March 18, 2026

Members of the Senate Committee on Labor & Technology:

Chair Brandon J.C. Elefante  
Vice Chair Rachele Lamosao  
Rep. Les Ihara, Jr.  
Rep. Sharon Y. Moriwaki  
Rep. Kurt Fevella

Re: Hb1681 HD1 Relating to the Disclosure of Intimate Images

Dear Chair Elefante, Vice Chair Lamosao, and Members of the Senate Committee on Labor & Technology:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) mission is to unite Hawai'i to end all forms of domestic violence. We are a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 20 member programs, I respectfully submit testimony in support of HB1682 HD1. This measure enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, directly addressing the harm caused by nonconsensual sharing of intimate images. HB1682 HD1 reflects evolving national standards that recognize technology-facilitated abuse as a form of gender-based violence. Large-scale research indicates that image-based sexual abuse is widespread, with multinational studies estimating that more than one in five individuals report experiencing some form of image-based abuse.<sup>1</sup>

For these reasons, we respectfully urge the legislature to advance HB1682 HD1. The adoption of clear civil remedies will help promote survivor safety, reinforce accountability, and ensure Hawaii's legal framework keeps pace with evolving technology and emerging patterns of abuse.

Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director

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<sup>1</sup> Umbach et al., Multinational Prevalence Study (2025): <https://arxiv.org/abs/2503.04988>

**HB-1682-HD-1**

Submitted on: 3/12/2026 4:23:10 PM

Testimony for LBT on 3/18/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

I support this bill. I appreciate the Uniform Law Committee doing extensive work to prepare a bill to help protect our residents from unauthorized disclosure of intimate images. This allows civil liability to both provide a deterrent and a means of redress by those injured from this malicious conduct.

**HB-1682-HD-1**

Submitted on: 3/16/2026 10:43:47 AM

Testimony for LBT on 3/18/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isabella Zingray	Individual	Support	Written Testimony Only

Comments:

I respectfully submit testimony in support of HB1682, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. This measure addresses a growing form of technology-facilitated abuse that disproportionately affects women and increasingly occurs within the broader context of gender-based violence.

Contemporary research recognizes nonconsensual disclosure of intimate images, often referred to as image-based sexual abuse, as a tactic frequently used by abusive partners to intimidate, threaten, or maintain power and control, particularly during or after relationship separation.<sup>(1)</sup> Evidence indicates that image-based abuse often functions as part of a broader pattern of coercive control within intimate partner violence, reinforcing the need for survivor-centered legal remedies that address both safety and accountability.

The unauthorized or threatened disclosure of intimate images can have profound and lasting effects on victims' safety, privacy, health, and economic security. Research shows that victims often experience significant psychological harm, including anxiety, depression, trauma-related symptoms, and social withdrawal, as well as reputational damage that can interfere with employment, education, and housing stability.<sup>(2)</sup> The digital nature of these harms, in which images can be rapidly replicated and remain permanently accessible, magnifies the severity and duration of the impact compared with offline forms of abuse.<sup>(3)</sup>

HB 1682 reflects evolving national standards that recognize technology-facilitated abuse as a form of gender-based violence. Large-scale research indicates that image-based sexual abuse is widespread, with multinational studies estimating that more than one in five individuals report experiencing some form of image-based abuse.<sup>(4)</sup>

For these reasons, I respectfully urge the Legislature to advance HB1682. Adoption of clear civil remedies will help promote survivor safety, reinforce accountability, and ensure Hawaii's legal framework keeps pace with evolving technology and emerging patterns of abuse.

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<sup>1</sup> Henry et al., *Image-Based Sexual Abuse as Coercive Control, Violence Against Women* (2023): <https://eprints.gla.ac.uk/282876/S>

<sup>2</sup> Mitchell et al., *Identifying Subtypes of Image-Based Sexual Abuse, Journal of Youth and Adolescence* (2026): <https://link.springer.com/article/10.1007/s10964-026-02316-x>

3 Henry et al., *Interdisciplinary Analysis of Image-Based Sexual Abuse Impacts* (2024): <https://academic.oup.com/bjsw/article-abstract/54/4/1777/7588791>

4 Umbach et al., *Multinational Prevalence Study* (2025): <https://arxiv.org/abs/2503.04988>

**HB-1682-HD-1**

Submitted on: 3/16/2026 4:10:07 PM

Testimony for LBT on 3/18/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

I support HB1682 HD1

Enacting this bill would provide benefits for victims that do not exist under current Hawaii law and safeguard the rights and dignity of all women and girls in Hawaii.

It is important because it creates a civil cause of action for the unauthorized disclosure of an intimate image when (1) there is an intentional disclosure or threat to disclose a private intimate image of an identifiable individual without the consent of the depicted individual, (2) the person who is disclosing the image has the requisite awareness that the person did not consent to the disclosure, and (3) the disclosure harms the depicted individual.

The disclosure of private images without consent and for no legitimate purpose can cause severe and irreversible harm; this cause of action would address that harm and provide for additional remedies.

Thank you for the opportunity to submit support for this bill.

**HB-1682-HD-1**

Submitted on: 3/17/2026 8:35:06 AM

Testimony for LBT on 3/18/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Holly Jacobs	Individual	Support	Remotely Via Zoom

Comments:

Good afternoon. When someone shared my private intimate images online without my consent, it was the most devastating experience of my life—but being told the law couldn’t help made it almost impossible to endure.

My name is Dr. Holly Jacobs. I’m a survivor of image-based sexual abuse and the founder of the Cyber Civil Rights Initiative (CCRI), and I’m proud to be part-Hawaiian.

In 2011, while finishing my PhD and searching for a job, someone posted my private intimate images online without my consent. Within three days they appeared on more than 200 websites. Within weeks, thousands of links to those images dominated the search results for my name. My personal information was shared alongside them. Strangers sent graphic messages to me and even contacted my parents and brother. On one forum, people encouraged others to attend a conference where I was scheduled to present so they could meet me in person.

When I asked for help, I was told there was little anyone could do. Police said there was no law against it. Lawyers said pursuing a case would cost more money than I had. Many websites mocked me or ignored my requests for removal.

So I changed my name.

I changed it from Holli Lehuanani Thometz to Holly Jacobs.

I changed it to escape my perpetrator and have a chance at building a career.

But losing that name also meant losing a part of my Hawaiian identity—something I had always been proud of.

More than a decade later, the harm is still ongoing. Just days ago, a stranger contacted me through my organization’s website to tell me that my images are still being shared online. Even after twelve years, internet users continue to circulate my images in an effort to hurt me. And the truth is, hearing that news still hurts. Abuse like this doesn’t simply end with time—it continues for as long as the images remain online.

That is why civil remedies matter. Criminal laws are crucial, but they don’t always give survivors the tools to stop the ongoing harm or repair the damage. Civil law allows victims to

hold perpetrators accountable, recover damages, and obtain injunctions requiring removal of images. Hawaii has already taken an important step by criminalizing this abuse, but Hawaii House Bill 1682 completes the legal framework by giving survivors the ability to pursue these remedies.

This bill provides survivors in Hawaii a path to accountability, dignity, and justice—so that no one else has to change their name, their career, or their life just to escape this abuse.

Mahalo for your time and for supporting survivors.

**HB-1682-HD-1**

Submitted on: 3/17/2026 11:26:27 AM

Testimony for LBT on 3/18/2026 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Thank you for this opportunity to support HB1682 which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. This protect the public and provide those harmed with remedies.

Younghee Overly, member of AAUW Hawaii

**Written Testimony of Professor Mary Anne Franks in support of HB 1682 HD I,  
“Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act”  
Committee on Labor and Technology of the Hawai’i Senate, March 18, 2026**

Chair Elefante, Vice-Chair Lamosao, and Members of the Committee:

As a constitutional law scholar, a longtime advocate for the victims and survivors of image-based sexual abuse, and the Reporter for the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act adopted by the Uniform Law Commission in 2018, I appreciate the opportunity to express my support for HB 1682 HD 1, which would codify the protections of that Act in Hawai’i.

I am the Eugene L. and Barbara A. Bernard Professor in Intellectual Property, Technology, and Civil Rights Law at George Washington University School of Law. I am also the President and Legislative & Tech Policy Director of the Cyber Civil Rights Initiative (CCRI), founded in 2013 by survivor Dr. Holly Jacobs and now the nation’s leading nonprofit organization dedicated to combating image-based sexual abuse. The perspective I offer on the importance and merits of HB 1682 is informed by the combination of my scholarly expertise, my advocacy experience, and my direct involvement in drafting the model law on which HB 1682 is based.

HB 1682 provides civil remedies for the nonconsensual distribution of intimate imagery (NDII), an alarmingly common and deeply damaging form of abuse. Perpetrators include current or former intimate partners, friends, coworkers, and strangers. Regardless of a perpetrator’s motive or relationship to the victim, NDII can cause devastating and often irreparable injury, including extreme psychological distress that can lead to self-harm and suicide; physical endangerment that can include in-person stalking, harassment, and the threat of sexual assault; and financial, professional, and reputational ruin. Victims have been expelled from their schools, fired from their jobs, and forced to leave their homes. The threat of NDII has been used to blackmail individuals, including children, into unwanted sexual acts; to coerce victims to stay in abusive relationships; and to gain leverage in divorce and custody battles.

A 2017 nationwide CCRI study found that 1 in 8 adult social media users has been victimized by or threatened with NDII. This number is an undercount of the number of actual victims, as it does not include minors or those who are unaware that their private material has been disclosed. Calls to CCRI’s Image Abuse Helpline have increased nearly 150% over the last six years. The rise of this abuse, and the increasing recognition of its gravity, has led to its criminalization in every state in the U.S. and finally, in May 2025, at the federal level. While these criminal statutes are essential for deterrence and accountability, they do not provide specific relief or assistance to individual victims. This is why legislation like HB 1682 is so important.

HB 1682 provides civil remedies for the disclosure of or threat to disclose private, intimate images of identifiable individuals without their consent, by a person who knows or recklessly disregards the individual’s lack of consent, the private nature of the

image, and the identifiability of the individual. HB 1682 provides for both monetary compensation and injunctive relief. Monetary remedies include the greater of either actual damages or statutory damages; punitive damages; recovery of an amount equal to the costs of retrieving or requesting removal of the intimate imagery; and recovery of an amount equal to any gain made by the defendant from the unauthorized disclosure. These forms of compensation are incredibly significant given the wide-ranging financial consequences of NDII, such as the costs of mental health support services, physical security measures, reputation management tools, job retraining, and moving expenses. HB 1682 also provides for the recovery of attorney's fees, which is essential for victims with few financial resources to expend on litigation. Equally importantly, the injunctive relief made possible by this bill can include court orders to remove private material and to prohibit further disclosure—interventions that can dramatically limit the scope and impact of image-based sexual exploitation.

The Uniform Law Commission committee that drafted the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act on which HB 1682 is based consulted with survivors, First Amendment experts, victims' rights advocates, tort scholars, legal practitioners, and civil liberties groups over its multi-year study and drafting process. While the First Amendment disfavors restrictions of information either voluntarily exposed to public view or of legitimate interest to the public, legislatures and courts have long recognized that shielding matters of purely private concern from public view serves to protect freedom of expression rather than inhibit it. To avoid encroaching upon the First Amendment, the Act is narrowly tailored to further the compelling governmental interest of protecting sensitive, truthful, private information. HB 1682 establishes liability for the disclosure of private, intimate images while exempting disclosures made in good faith in law enforcement, legal proceedings, medical education or treatment; the reporting or investigation of unlawful or unsolicited and unwelcome conduct; are related to a matter of public concern or interest; or are reasonably intended to assist the depicted individual.

As demonstrated by longstanding privacy protections for driver's license information, social security numbers, medical records, and other sensitive personal data, "privacy" does not mean "secrecy": a person may choose to share information with one party or in one context while retaining an expectation of privacy with regard to other parties or other contexts. This is as true for intimate images as it is for other forms of sensitive personal information. Accordingly, HB 1682 explicitly acknowledges that neither consent to the creation of an intimate image, previous consensual disclosure of an intimate image, or the involuntary exposure of intimate parts or intimate activity in a public place destroys an individual's reasonable expectation of privacy. HB 1682 also includes important measures to protect the privacy of plaintiffs and to minimize the risk of further exploitation during the litigation process.

Based on the reasons provided above, I urge the Committee to report favorably on HB 1682. Thank you for your consideration.