



The Judiciary, State of Hawai‘i
Ka ‘Oihana Ho‘okolokolo, Moku‘āina ‘o Hawai‘i

Testimony to the Thirty-Third Legislature, 2026 Regular Session

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, April 8, 2026 at 2:00 PM
State Capitol, Conference Room 325 & Videoconference

By

Brandon Kimura
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 2568, S.D. 1, H.D. 1, Relating to Offenses Against Public Servants.

Purpose: Elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties.

Judiciary's Position:

The Hawai‘i State Judiciary strongly supports Senate Bill No. 2568, S.D. 1, H.D. 1, which is part of the Judiciary’s 2026 legislative package. This bill is needed to better protect judges, Judiciary staff, and other public servants who are increasingly targeted with threats and harassment for carrying out their official duties.

This measure strengthens protections for public servants by elevating harassment under HRS § 711-1106 from a petty misdemeanor to a misdemeanor when committed against a public servant because of their status as a public servant or during their performance of official duties. For the Judiciary, these incidents often involve probation officers supervising high-risk offenders, or litigants upset with the progress or outcome of their cases.

The Judiciary crafted this measure in late 2025 to provide strengthened protections when appropriate in light of the increasing threat environment, and would support adoption of the broadened definition of “public servant” as found in this measure’s companion bill, House Bill 2092, H.D.1.



The Legislature has already recognized that threats against public servants can warrant higher penalties by establishing Terroristic Threatening in the First Degree “against a public servant arising out of the performance of the public servant’s official duties” under HRS § 707-716(1)(c). In practice, however, the Judiciary’s experience is that even threats to kill a public servant or their family member can be charged as petty-misdemeanor harassment under HRS § 711-1106, not as the higher-level crimes of terroristic threatening, obstruction of justice (HRS § 710-1072.5(1)(b)), or obstructing government operations (HRS 710-1010(1)(a)). This suggests that those felony or obstruction statutes might not clearly fit the conduct at issue. Nonetheless, public servants and their employers often must take these threats seriously, regardless of what the law may otherwise say, resulting in harm to the individual public servant as well as disruption of government services that the community relies upon.

This bill recognizes that public servants face unique and elevated safety risks and that threats and harassment against them have increased. Judiciary data show a sharp increase in threats and inappropriate communications toward court personnel, with reported incidents involving judges rising from 2 in 2012 to 98 in 2025, and incidents involving probation officers rising from 1 to 25 over the same period. This trend affects the entire state Judiciary: total reported threats and inappropriate communications toward all Judiciary employees increased from 7 in 2012 to 140 in 2025. These statistics demonstrate a real and escalating risk to public servants and underscore the need for the stronger, targeted deterrent that this bill would provide. Beyond volume, these threats and inappropriate communications are increasingly serious in nature.

Moreover, protecting Judiciary personnel – from judges making difficult decisions to probation officers supervising offenders and staff managing court operations – is essential to preserving judicial independence, safeguarding the public’s trust and confidence in the rule of law, and maintaining effective court operations. The rise in harassment against public servants is harmful to staff and disrupts the delivery of government services, with negative consequences for communities across the State. This measure will enhance the security and well-being of public servants and help preserve the reliable delivery of government services.

For these reasons, the Judiciary strongly supports this important measure. Thank you for the opportunity to testify.



STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

Date: 04/08/2026

Time: 02:00 PM

Location: 325 VIA VIDEOCONFERENCE

Committee: JHA

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2568, HD1, RELATING TO OFFENSES AGAINST PUBLIC SERVANTS.

Purpose of Bill: Elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties. Effective 7/1/3000. (HD1)

Department's Position:

The Hawaii State Department of Education (Department) supports SB 2568, SD 1, HD 1, as it provides stronger protections to safeguard public servants and the effective functioning of government, by elevating the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties.

SB 2568, SD 1, HD 1 elevates the penalties for the existing offense of harassment in section 711-1106, HRS, if committed against a public servant under certain circumstances.

Additionally, the act provides a stronger legal deterrent against threatening behavior from the public. Harassment often disrupts or interferes with school functions and administration. By increasing penalties, SB 2568, SD 1, HD 1 helps safeguard the effective functioning of the government. The act also expanded the definition of "public servant" to include all Department employees that will now ensure educators can focus on student needs rather than managing hostile interactions. The measure complements efforts like the Department's Visitor Code of Conduct by providing a legal, state-level penalty for those who violate it.

Thank you for the opportunity to provide support on SB 2568, SD 1, HD 1.

SB-2568-HD-1

Submitted on: 4/7/2026 1:53:21 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Llasmin Chaine	Hawaii State Commission on the Status of Women	Support	In Person

Comments:

The Hawaii State Commission on the Status of Women **supports SB2568 SD1 HD1**, which elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties.

As an organization dedicated to promoting the safety, dignity, and equitable treatment of all individuals, the Commission recognizes the importance of protecting public servants, many of whom are women, from targeted harassment in the course of their duties. **Public servants play a vital role in upholding essential services and ensuring the effective functioning of government, and their ability to perform these roles without fear of harassment is critical to public trust and safety.**

Elevating the offense of harassment in this context aligns with best practices aimed at deterring harmful behavior and **reinforcing a culture of respect** for those serving the public. The bill acknowledges the unique vulnerabilities faced by public servants, especially women, who may be disproportionately targeted. By strengthening legal protections, the measure **supports a safer and more inclusive working environment**, which is consistent with the Commission's commitment to workplace safety.

We respectfully urge this Committee to **pass SB2568 SD1 HD1**.

Thank you for this opportunity to submit testimony.

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April 7, 2026

SB 2568, SD1, HD1: RELATING TO OFFENSES AGAINST PUBLIC SERVANTS

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of the Public Defender (OPD) respectfully **submits the following comments** on SB 2568 SD1 HD1, which elevates the offense of harassment under Hawai'i Revised Statutes (HRS) § 711-1106 from a petty misdemeanor to a misdemeanor when committed against a public servant because of or during the performance of official duties.

At the outset, the OPD acknowledges and appreciates the Legislature's recognition of the important role public servants play and the legitimate concern regarding threats, harassment, and violence directed toward individuals serving in government. Ensuring the safety of public servants and maintaining public trust in government institutions are critical objectives that the OPD supports. However, the OPD respectfully maintains concerns regarding the breadth, proportionality, and constitutional implications of this measure.

Existing Statutes Already Address Serious Conduct

Hawai'i law already provides several statutes that address serious threats and interference with governmental functions, including:

- Terroristic threatening (HRS § 707-715),
- Obstruction of justice (HRS § 710-1072.5),
- Obstructing government operations (HRS § 710-1010), and
- Harassment by stalking (HRS § 711-1106.5).

This measure asserts that these statutes may be difficult to apply in certain cases due to evidentiary burdens or lack of fit. While the OPD recognizes that charging decisions can present challenges, the record does not reflect empirical data demonstrating that existing statutes are systematically inadequate or ineffective. Before expanding criminal liability, the Legislature may wish to consider whether there is sufficient data, such as charging patterns, declination rates, or case outcomes, to support the conclusion that current laws are insufficient. Absent such evidence, this measure risks expanding criminal penalties based on anecdotal concerns rather than demonstrated systemic gaps.

Elevation Based Solely on Status Raises Structural Concerns

This measure does not modify the elements of harassment. Instead, it elevates the grading of the offense based solely on the identity of the recipient.

Traditionally, enhancements within the Penal Code are tied to either:

1. Increased culpability of the actor; or
2. Increased harm resulting from the conduct.

Here, neither the conduct nor the mental state is altered. The enhancement is triggered solely by the status of the recipient. From a structural standpoint, this raises concerns about proportionality and consistency within the Penal Code. As status-based enhancements continue to expand across multiple statutes, there is a risk that the base offense becomes secondary to a growing list of classifications, potentially undermining the coherence of the statutory framework.

Breadth of “Public Servant” Definition

SD1 defines “public servant” broadly to include not only elected officials and judges, but also:

- Court personnel and probation officers,
- Volunteers, and
- Any employee of the federal government, the State, or any county.

This expansive definition extends well beyond traditional “public figures” and encompasses a vast number of individuals across all levels of government. While the OPD understands the desire to protect public employees, the breadth of this definition significantly expands the scope of conduct subject to enhanced criminal penalties. The practical effect is that routine interactions with government agencies, often involving frustration, confusion, or repeated attempts to seek assistance, may be elevated to misdemeanor-level criminal liability based solely on the employment status of the recipient.

“Repeated Contact” and Risk of Overbreadth

The bill retains the existing harassment framework under HRS § 711-1106, including provisions related to repeated communications made with intent to harass, annoy, or alarm.

In the context of interactions with government, repeated contact is common and often reflects:

- Attempts to navigate complex systems,
- Efforts to obtain information or assistance,
- Advocacy on matters of public concern, or
- Frustration with bureaucratic processes.

Examples include:

- A pro se litigant repeatedly contacting court staff for clarification,
- A constituent persistently communicating with a legislator regarding pending legislation,
- A parent repeatedly contacting agencies regarding a court or administrative decision.

While some conduct may cross the line into harassment, much of it reflects attempts, however imperfect, to access government services or petition for redress. Elevating such conduct to a misdemeanor based solely on the identity of the recipient risks sweeping in constitutionally protected and socially necessary interactions.

First Amendment and Petitioning Concerns

The First Amendment protects not only polite or measured speech, but also speech that is critical, persistent, or emotionally charged, particularly when directed at government officials regarding matters of public concern. This measure does not include explicit safeguards to ensure that constitutionally protected speech and petitioning activity are excluded from its reach.

Without clear limitations, the bill risks chilling:

- Public criticism of government officials,
- Repeated advocacy efforts, and
- Attempts by individuals to seek redress or accountability.

These concerns are particularly acute given the breadth of the “public servant” definition and the inclusion of repeated communications within the harassment statute.

Impact on Pro Se Litigants and Vulnerable Populations

The OPD is particularly concerned about the impact of this measure on individuals who:

- Are self-represented,
- Have limited understanding of legal processes,
- Face language or literacy barriers, or
- Experience mental health conditions affecting communication.

Repeated filings, communications, or emotionally charged interactions are common in these contexts. Elevating such conduct to a misdemeanor may disproportionately impact vulnerable populations attempting to engage with the legal system.

Suggested Amendments

If the Legislature chooses to move forward with this measure, the OPD respectfully recommends consideration of the following safeguards:

1. Explicit protection for constitutionally protected speech and petitioning activity;
2. Clearer standards defining actionable “repeated contact” in the context of government interactions;
3. A requirement that the conduct materially interferes with official duties or poses a credible safety risk;
4. Alignment with the “pattern of conduct” framework used in harassment by stalking (HRS § 711-1106.5), which provides more structured and objective criteria.

The OPD fully supports efforts to protect public servants from true threats, intimidation, and violence. However, this measure raises significant concerns because it elevates criminal liability based solely on the status of the recipient, applies broadly to a wide range of public employees, and does so without incorporating safeguards to protect constitutionally protected conduct.

Thank you for the opportunity to comment on this measure.



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Executive Director

TESTIMONY TO THE HAWAI'I HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Item: SB 2568, SD1, HD1 – Relating to Offenses Against Public Servants

Position: Support

Hearing: Wednesday, April 8, 2026, 2:00 pm, Room 325

Submitter: Osa Tui, Jr., President - Hawai'i State Teachers Association

Dear Chair Tarnas, Vice Chair Poepoe, and members of the committee,

The Hawai'i State Teachers Association (HSTA) **supports** S.B. 2568 SD1, HD1, which elevates the offense of harassment to a misdemeanor when committed against a public servant because of their status or while performing official duties. Public school teachers are essential state employees who dedicate their time to educating our youth and serving the community.

Unfortunately, educators increasingly face unacceptable levels of harassment and threats while simply trying to do their jobs in our schools. Because this measure's definition of a public servant includes any employee of the State, it will directly afford our teachers the stronger statutory protections they urgently need.

As the legislature has recognized, escalating threats undermine the safety of public servants and lead to increased resignations and impaired service delivery. The current penalties for these offenses do not always provide a sufficient deterrent to harmful or disruptive behavior. By establishing stricter penalties for harassment that targets public servants, this legislation will help safeguard our educators and ensure that our schools remain safe, productive environments. We respectfully urge the committee to pass this important measure.

Mahalo.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-Third Legislature, State of Hawaii
The House of Representatives
Committee on Judiciary and Hawaiian Affairs

Testimony by
Hawaii Government Employees Association

April 8, 2026

S.B. 2568, S.D. 1, H.D. 1 — RELATING TO OFFENSES AGAINST PUBLIC SERVANTS

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO, is in strong support of S.B. 2568, S.D. 1, H.D. 1, which elevates the offense of harassment to a misdemeanor when committed against public servants in connection with their performance of a governmental function.

Throughout the year, we receive numerous reports from our members who have experienced incidents of harassment during the course of their employment with the State or the counties. Many of our members work on the front lines—handling walk-ins, answering calls, providing security, meeting with clients, and processing paperwork—so they are often the first to encounter threats, harassment, or violence while performing their official duties. We appreciate the intent of this measure, and if passed, we believe it would serve as a strong deterrent against bad actors seeking to harass public servants.

Thank you for the opportunity to provide testimony on S.B. 2568, S.D. 1, H.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-THIRD LEGISLATURE
REGULAR SESSION OF 2026**

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Wednesday, April 8, 2026, 2:00 PM
Conference Room 325 & Videoconference

Re: Testimony on SB2568, SD1, HD1 – RELATING TO OFFENSES AGAINST PUBLIC SERVANTS

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 12,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **supports** SB2568, SD1, HD1, which elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties.

Given recent events and the apparent rise in incidents of harassment targeting public workers, it seems evident, unfortunately, that legislation like this is necessary to protect the rights and dignity of the hard-working employees who are dedicated to the providing essential government services and are often most vulnerable to this sickening behavior.

We humbly request that the definition of “public servant”, which includes rank-and-file public employees, be preserved to ensure that ALL public employees are afforded the same protection as high-ranking public officials.

Mahalo for the opportunity to testify in support of this bill.

HEADQUARTERS

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Senate Committee on Judiciary and Hawaiian Affairs (JHA)
Chair David Tarnas, Vice Chair Mahina Poepoe

April 8, 2026, 2:00 p.m., Conference Room 325
SB2568 SD1 HD1— Relating to Offenses against Public Servants

TESTIMONY

Amy Monk, Legislative Committee, League of Women Voters of Hawaii

Chair Tarnas, Vice Chair Poepoe and Committee Members:

The League of Women Voters of Hawaii supports BILL NUMBER SB2568 SD1 HD1.

SB2568 strengthens existing protections that address harassment and threats aimed at public officials, staff and election volunteers who are carrying out public duties.

The League of Women Voters of Hawaii believes that public officials should be free of coercion to carry out their official duties and that free and fair elections should be unhampered by harassment or intimidation.

We note that the Georgia 2020 election was marred by some of the most egregious cases of election worker intimidation, threats of lynching, release of private information (doxing), and false accusations of voter fraud that forced 2 election workers to go into hiding. After 2020, there was a wave of statutes enacted or updated to protect election officials, staff and poll workers. The National Conference of State Legislatures (NCSL) says that 39 states and Washington, D.C., have laws specifically addressing protections for election officials and poll workers.

LWV believes passage of this bill will send a powerful message that attacks on our public officials, the election system and the people who staff it are not acceptable and we still defend free and fair elections in our democracy. It especially gives the hundreds of election volunteers confidence that the Legislature will support and protect them.

League requests that the measure take effect upon passage. Thank you for the opportunity to submit testimony.



215 Pennsylvania Avenue, SE • Washington, D.C. 20003 • 202/546-4996 • www.citizen.org

April 8th, 2026

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

My name is Robert Joerg, and I am with Public Citizen's Democracy campaign here to convey our strong support of S.B. 2568.

Public Citizen is a non-partisan, non-profit with over 3,200 supporters in Hawaii, committed to an inclusive democracy and to representing the people's interest in the hall of power.

We advocate for protections for public officials in light of an epidemic of threats, swatting, doxxing and physical attacks on officials nationwide. Democratic and Republican officials are threatened at almost equal rates.

In a [regular survey of local officials](#), up to 2% report being **physically attacked**, **17% received threats within the last three months**. More than a third of local elected officials [surveyed](#) report that they are **less willing to participate in public events** because of the threat environment. More than 40% are **less willing to run for reelection**.

Consequently, it is critical that appropriate penalties be in place to deter threats against public officials. This bill addresses this issue by elevating harassment to a misdemeanor when it is committed against a public servant because of, or in the course of, performing official duties. We believe this increase in penalties will help reduce threats against public officials and reassure them that they can perform their duties without fear of harassment.

We urge a small amendment to this bill to enhance the coverage of its protections. This change is a revised definition of what a public servant is to match the existing language in HI Rev. Stat. § 710-1000, so that this bill covers local public officials as well as Hawaiian Affairs Trustees:

- “Public servant” means any officer or employee of any branch of government, whether elected, appointed, or otherwise employed, and any person participating as advisor, consultant, or otherwise, in performing a governmental function, but the term does not include jurors or witnesses.

Including municipal officials in the bill’s coverage is essential. Local public officials face [threats and harassment](#) at higher rates than other public officials. Under the bill’s current definition, local elected officials are excluded from its coverage. Consequently, it is critical that the bill adopt the definition of “public servant” found in HI Rev Stat § 710-1000.

If the definition of public servant remains closely aligned with how its defined in the current draft bill, we would encourage explicitly listing Hawaiian Affairs Trustees and municipal officials to ensure that these positions are covered under the bill’s provisions.

Public Citizen is pleased to see members of this legislative body taking action to address the rising issue of threats against public officials. We appreciate the sponsors’ work on this legislation and are pleased to support this bill, as well as the larger package of which it is a part.

We urge the speedy passage of this bill.

Thank you.

SB-2568-HD-1

Submitted on: 4/6/2026 7:32:34 PM

Testimony for JHA on 4/8/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Edward Codelia	Individual	Oppose	Written Testimony Only

Comments:

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

I respectfully oppose SB2568.

Public servants performing their duties should not be subjected to threats of violence or unlawful harassment. However, Hawai'i law already provides criminal penalties for threats, intimidation, assault, disorderly conduct, and harassment. These laws apply equally to protect all individuals, including government employees and officials. Creating a separate or elevated criminal category for interactions involving public servants raises concerns about unequal treatment under the law and unnecessary expansion of criminal statutes.

Equally important is the broader context in which this measure is being considered. Residents of Hawai'i are increasingly frustrated with the direction of public policy and the growing cost of living in the state. Housing affordability, economic opportunity, disaster recovery, land use policy, and other issues have created significant pressure on families and businesses. Many residents believe that legislative and administrative decisions have contributed to conditions that make it difficult for people to remain in Hawai'i.

In that environment, strong criticism of government officials and public policy should be expected. Public service carries responsibility and public accountability. Individuals who hold public office or exercise government authority must be prepared to face criticism, frustration, and disagreement from the public they serve.

Legislation that increases criminal penalties related to interactions with public officials risks creating the perception that government is attempting to shield itself from public criticism. Public frustration with government decisions should not be treated as a criminal problem.

Residents must remain free to question, challenge, and criticize government policy without fear that their speech could be interpreted as harassment simply because it is directed at a public official performing their duties.

Healthy democratic governance depends on transparency, accountability, and the ability of the public to speak openly about government actions, even when those conversations are uncomfortable.

For these reasons, I respectfully oppose SB2568.

Thank you for the opportunity to provide testimony.

Respectfully submitted.

Edward Codelia, Maui Resident

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

HEARING:

Wednesday, April 8, 2026 at 2:00 pm

Via Videoconference and Conference Room 325

TESTIMONY IN SUPPORT OF SB 2568, SD1, HD1 - RELATING TO OFFENSES AGAINST PUBLIC SERVANTS.

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

My name is Christine Andrews, and I am an attorney licensed in Hawai'i for over 25 years and a long-time resident of Wailuku, Maui. I write to you today in **very strong support of SB 2568, SD1, HD1**, Relating to Offenses Against Public Servants, which elevates the offense of harassment to a misdemeanor when committed against a public servant because of or during their performance of official duties.

I first heard about this bill when it came up at a hearing I was attending on another measure, but this subject is very near to my heart as someone who engages in pro-democracy education in the legal community. I am a member of both Lawyers Defending American Democracy and the American Bar Association Task Force for American Democracy. I attended a Task Force panel last year that included judges from South Africa, Latin America, Hungary, and U.S. federal court judges who spoke from personal experience about threats judges have faced when upholding their role within the third pillar of government, the judiciary, in the discharge of their duties. There were foreign judges who were forced to flee their countries of origin in fear for their lives for upholding the rule of law in the face of an authoritarian executive. One of the U.S. federal court judges spoke about an attacker who came to her home under the guise of delivering pizza, and murdered her son who answered the door. Another judge spoke of threats to herself and her family, and how state and federal judges, nationwide, are subjected to doxing and intimidation by having pizzas delivered to them, at home, in the name of family members, as a form of intimidation to say, "I know where you live and who your family members are."

Judges are not the only ones who have been subjected to threats, intimidation, attacks and violence. In Minnesota, Minnesota State Representative Melissa Hortman and her husband, Mark, were fatally shot in a targeted, politically motivated assassination last June.

It should be noted that state lawmakers and state and federal court judges do not have personal protection provided by the government to protect them from attacks that result from them fulfilling their legal and constitutional responsibilities. Based upon what is happening nationwide, where lawmakers and judges, in particular, are being increasingly subjected to intimidation, threats, and violence at the hands of political extremists or aggrieved parties, I request your **strong support of SB 2568, SD1, HD1**, as a necessary measure to protect public servants employed in all branches of government.

Mahalo nui,

Christine Andrews, JD