

STAND. COM. REP. NO. 2218

Honolulu, Hawaii

FEB 12 2026

RE: S.B. No. 2135
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Labor and Technology, to which was referred S.B. No. 2135 entitled:

"A BILL FOR AN ACT RELATING TO PRIVACY,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the offense of nonconsensual distribution of an intimate image.

Your Committee received testimony in support of this measure from the Crime Victim Compensation Commission, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Imua Alliance, and two individuals.

Your Committee received testimony in opposition to this measure from the Libertarian Party of Hawaii.

Your Committee received comments on this measure from the Department of the Attorney General, Motion Picture Association, and TechNet.

Your Committee finds that individuals may experience circumstances when intimate images of themselves get disclosed without their consent. Nonconsensual distribution of intimate images is a recognized form of technology-facilitated sexual violence and has a profound impact on victims, including



depression, suicidal thoughts, shame, and self-blame. This measure protects the privacy of individuals by making it a crime to intentionally disseminate or distribute an intimate image, including digitally forged images of another person without their consent.

Your Committee has amended this measure by:

- (1) Replacing the words "disseminate" and "distribute" with the word "disclosure" throughout this measure for the purposes of clarity and consistency;
- (2) Changing the requisite state of mind for the offense of nonconsensual disclosure of an intimate image to knowingly;
- (3) Deleting language that would have included the disclosure of an intimate image and any digitally forged intimate image of another person that reveals the identity of the depicted person through information or material provided by a third party in response to the disclosure of the visual material as an offense of nonconsensual disclosure of an intimate image;
- (4) Deleting language that would have made the disclosure of multiple intimate images or digitally forged intimate images of the same individual as part of a common act a single offense;
- (5) Clarifying the responsibility of electronic communication service providers by exempting an interactive computer service, as defined in title 47 United States Code section 230(f)(2), an information service for telecommunications service, as defined in title 47 United States Code section 153, for content provided by another person;
- (6) Inserting language that exempts the disclosure or publication of an intimate image that involves a matter of public interest or is newsworthy;
- (7) Defining "electronic communication service" for chapter 711, Hawaii Revised Statutes, which governs offenses



against public order, rather than for only the new section;

- (8) Inserting an effective date of January 1, 2077, to encourage further discussion; and
- (9) Making technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Labor and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2135, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2135, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Labor and
Technology,

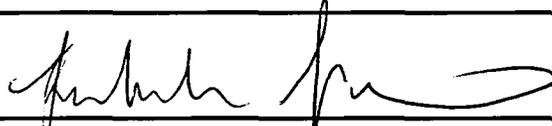


BRANDON J.C. ELEFANTE, Chair



The Senate
Thirty-Third Legislature
State of Hawai'i

Record of Votes
Committee on Labor and Technology
LBT

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2135	LBT, JDC	2.4.26		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ELEFANTE, Brandon J.C. (C)	✓			
LAMOSAO, Rachele (VC)	✓			
IHARA, Jr., Les	✓			
MORIWAKI, Sharon Y.	✓			
FEVELLA, Kurt	✓			
TOTAL	5	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink		
File with Committee Report	Committee	Drafting Agency		

*Only one measure per Record of Votes