



**Written Testimony by Elizabeth Kent
In Support of SB 2448, SD 1
Before the Committee on Judiciary
February 26, 2026, at 10:00 a.m.**

Aloha Chair Rhoads and Committee Members:

Thank you for the opportunity to express strong support for SB 2448, SD 1, which would enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. This bill is based on one 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.

This uniform act has been enacted in ten jurisdictions and introduced in four more this year. Enacting this bill would provide benefits for victims that do not exist under current Hawaii law.

SB 2448, SD 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.

SB 2448, SD 1 establishes clear remedies available to victims of unauthorized disclosures or threatened disclosures. Under SB 2448, SD 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 SB 2448, SD 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 SB 2448, SD 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

SB-2448-SD-1

Submitted on: 2/23/2026 8:53:25 PM

Testimony for JDC on 2/26/2026 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
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.