



March 18, 2026

Position: **SUPPORT** of **SB2448 SD2**, Relating to the Disclosure of Intimate Images

To: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

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

Re: Testimony in **SUPPORT** of **SB2448 SD2**, Relating to the Disclosure of Intimate Images

Hearing: Thursday, March 19, 2026, 2:00 p.m.
Conference Room 325, 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. The Commission supports **SB2448 SD2**, which enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, because it **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 outside of the criminal justice system. The proposed **legislation enables additional** legal remedies, especially in cases where criminal prosecution may not be feasible or sufficient and recognizes that the civil recourse pathway can provide a more accessible route to accountability and justice. Lastly, the **civil framework proposed by this bill complements existing criminal statutes and supports a holistic response to technology-facilitated gender-based violence.**

The Commission respectfully encourages this Committee to **pass SB2448 SD2**, providing survivors with an accessible pathway for redress.

Thank you for this opportunity to submit testimony.



March 19, 2026

Members of the House Judiciary & Hawaiian Affairs:

Chair David A. Tarnas
Vice Chair Mahina Poepoe
Rep. Della Au Belatti
Rep. Elle Cochran
Rep. Mark J. Hashem
Rep. Kirstin Kahaloa
Rep. Jackson D. Sayama
Rep. Gregg Takayama
Rep. Diamond Garcia
Rep. Garner M. Shimizu

Re: SB2448 SD 2 Relating to the Disclosure of Intimate

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

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 SB2448 SD2. This measure enacts the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act, which directly addresses the harm caused by the nonconsensual sharing of intimate images. SB2448 SD2 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.¹

For these reasons, we respectfully urge the legislature to advance SB2448 SD2. 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

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



MARCH 19, 2026

SENATE BILL 2448 SD2

CURRENT REFERRAL: JHA

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Kris Coffield,
President

David Negaard,
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Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT

Imua Alliance supports SB 2448 SD2, 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 JAMA Network Open, 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

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 SB 2448 SD 2
Before the House Committee on Judiciary and Hawaiian Affairs
Thursday, March 19, 2026

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

My name is Jane Sternecky and I serve as Legislative Counsel 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 SB 2448 SD 2**, 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).

SB 2448 SD 2 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."¹

Specifically, Section 3 of SB 2448 SD 2 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.

¹ 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) acted with reckless disregard.

SB 2448 SD 2 Provides Remedies for Victims of Unauthorized Disclosures

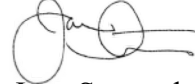
Under Section 6 of the bill, a prevailing plaintiff may recover actual damages, statutory damages, and, where appropriate, punitive damages, and attorney's fees. A plaintiff may also recover an amount equal to the gain made by the defendant from disclosure of the intimate image if applicable.

SB 2448 SD 2 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 SB 2448 SD 2**.

Respectfully,



Jane Sternecky
Legislative Counsel
Uniform Law Commission

SB-2448-SD-2

Submitted on: 3/18/2026 1:19:22 PM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Laurie Tochiki	Domestic Violence Action Center	Support	Written Testimony Only

Comments:

Aloha. My name is Laurie Tochiki, and I am the Interim CEO of the Domestic Violence Action Center. I write in strong support of this bill and wish to express my appreciation for the collaborative work that has gone into advancing this initiative.

In my current role, I have limited opportunity to work directly with survivors; however, I recently had the occasion to interact with a survivor whose life has been profoundly and irreparably affected by the very conduct this bill seeks to address. Her experience is not unique — it is a powerful reminder of why this legislation matters and how urgently it is needed.

I respectfully urge your support of this bill. Thank you for your time and consideration.

Laurie Tochiki, JD, Ph.D

Interim CEO



**Written Testimony by Elizabeth Kent
In Support of SB 2448, SD 2
Before the Committee on Judiciary and Hawaiian Affairs
March 19 2026, at 2:00 p.m.**

Aloha Chair Tarnas and Committee Members:

Thank you for the opportunity to express strong support for SB 2448, SD 2, which would enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images Act. SB 2448, SD 2 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 SB 2448, SD 2 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. SB 2448, SD 2 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 2 makes clear remedies available to victims of unauthorized disclosures or threatened disclosures. Under SB 2448, SD 2, 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 2, 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.

Thank you for your consideration of SB 2448, SD 2, 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

**Written Testimony of Professor Mary Anne Franks in support of SB 2448
Committee on Judiciary & Hawaiian Affairs, Hawai'i House of Representatives,
March 19, 2026**

Chair Tarnas, Vice Chair Poepoe, 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 SB 2448, 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 SB 2448 is informed by the combination of my scholarly expertise, my advocacy experience, and my direct involvement in drafting the model law on which SB 2448 is based.

SB 2448 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 a significant underestimate, 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 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 SB 2448 is so important.

SB 2448 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. SB 2448 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. SB 2448 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 SB 2448 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. SB 2448 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, SB 2448 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. SB 2448 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 SB 2448. Thank you for your consideration.

SB-2448-SD-2

Submitted on: 3/18/2026 9:52:28 AM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrea Armitage	Individual	Support	Written Testimony Only

Comments:

Aloha Members of the Committee,

I strongly support the passage of SB2449 SD2. It is much needed and would help out people who have been sexually exploited by others. I believe as written, with the definition of "private," is sufficient to give this bill the teeth it would need to allow victims to win civil lawsuits against those who violate their privacy. I also believe any modifications or deletion of the definition of privacy could render the bill unconstitutional. Please pass the bill as is.

Mahalo fo your consideration and the opportunity to testify.

Andrea Armitage

SB-2448-SD-2

Submitted on: 3/18/2026 11:05:20 AM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cheryl Bellamy	Individual	Support	Written Testimony Only

Comments:

This bill would provide needed benefits for those who are victims of unauthorized disclosure of their private intimate images.

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 bill would address that harm and provide for additional remedies.

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

SB-2448-SD-2

Submitted on: 3/18/2026 1:31:11 PM

Testimony for JHA on 3/19/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Holly Jacobs	Individual	Support	Written Testimony Only

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. Hawai‘i has already taken an important step by criminalizing this abuse, but Hawai‘i Senate Bill 2448 completes the legal framework by giving survivors the ability to pursue these remedies.

This bill provides survivors in Hawai‘i 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.

Dennis M. Dunn

Kailua, Hawai'i 96734

Email: dennismdunn47@gmail.com

TO: Chair David A. Tarnas

Vice Chair Mahina Poepoe

House Committee on Judiciary and Hawaiian Affairs

RE: Senate Bill 2448, S.D. 2 – Relating to the Disclosure of Intimate Images

HEARING: Thursday, February 26, 2026, 2:00 p.m.

Conference Room 325

TESTIMONY IN SUPPORT OF S.B. 2448, S.D. 2, IF AMENDED

Good afternoon, Chair Tarnas, Vice Chair Poepoe, and Members of the Committee. My name is Dennis Dunn. I am the former Director of Victim Witness Kokua Services in the Honolulu Prosecuting Attorney's Office, where I served for 44 years before retiring at the end of 2022. I submit this testimony in support of S.B. 2448, S.D. 2, provided it is amended.

This measure proposes to enact the Uniform Civil Remedies for Unauthorized Disclosure of Intimate Images, creating a civil cause of action for victims whose intimate images are distributed without their consent. I strongly support the creation of additional civil remedies for these victims. My comments are based on nearly 50 years of experience advocating for crime victims, including decades working directly with survivors of sexual offenses.

Throughout my career, I have listened to countless survivors describe the profound harm caused when an intimate image, often shared in trust with a partner or acquaintance, is distributed without their permission. In my role as a handler for courthouse facility dogs, Pono and Clover, I have spent many hours hearing victims recount the deep sense of betrayal, humiliation, and fear that accompanies these violations. Unlike many other offenses, the harm does not end. Once intimate images are released online, victims live with the knowledge

that those images may exist indefinitely, accessible to strangers and beyond their control.

While I support the intent of this bill, I have a significant concern with its current language, specifically, the use of the term “private.”

The requirement that an image be “private” creates a dangerous and unintended consequence. It suggests that an image becomes less private, or no longer private at all, if it was previously shared, even consensually. This opens the door for defendants to force victims to disclose with whom they shared images, how often, and under what circumstances. As a result, victims may be subjected to invasive scrutiny of their personal choices rather than a clear focus on wrongful conduct: the unauthorized disclosure of the image without consent.

This approach runs directly counter to the purpose of the bill. The central harm addressed here is not whether an image was once shared voluntarily, but whether it was later disclosed without consent. Requiring victims to defend their past decisions strips them of the very privacy and autonomy this legislation seeks to protect. It also risks retraumatizing victims and discouraging them from pursuing civil remedies altogether.

The consensual sharing of an intimate image does not make that image any less private. Every person has the right to decide if, when, and with whom they share images of themselves—without judgment and without fear that those choices will later be used against them in court.

Notably, Hawai'i's existing criminal statute, HRS §711-1110.9, does not use the term “private.” It requires only that the image be disclosed without consent and with intent to cause harm. It makes little sense for civil recovery to impose a higher or more burdensome standard than that required for criminal liability.

For these reasons, I respectfully urge the Committee to amend S.B. 2448, S.D. 2 by removing the term “private.” Doing so would better align the bill with its stated purpose, strengthen protections for victims, and ensure that perpetrators are held accountable for their conduct—without shifting blame onto those they harmed.

In closing, I support S.B. 2448, S.D. 2, only if amended to remove the requirement that an image be “private.” Thank you for your time, consideration, and continued commitment to protecting victims.

Thank you for your time and consideration.

HAWAI'I
PACIFIC
HEALTH

KAPI'OLANI
THE SEX ABUSE
TREATMENT CENTER



Date: March 19, 2026

To: Rep David Tarnas, Chair
Rep Poepoe, Vice Chair
Members of the House Committee on Judiciary and Hawaiian Affairs

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

RE: Testimony on SB 2448, SD 2
Relating to Disclosure of Intimate Images

Hearing: March 19, 2026, Conference Room 325, 2pm

Good morning, Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary and Hawaiian Affairs. Thank you for the opportunity for the Sex Abuse Treatment to provide testimony on SB 2448, SD1 relating to the disclosure of intimate images.

The SATC supports SB2448, but has concerns with the current language 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 SB2448, SD2. We respectfully ask for the amendments stated above and further time to continue discussions on this measure.