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 Labor
Representative Jackson D. Sayama, Chair
Representative Mike Lee, Vice Chair

Tuesday, March 24, 2026 at 9:30 AM
State Capitol, Conference Room 309 & Videoconference

By

Brandon Kimura
Administrative Director of the Courts

Bill No. and Title: Senate Bill No. 2568, S.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, 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.

Senate Bill No. 2568, S.D. 1 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 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 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.

We urge you to pass this important bill. Thank you for the opportunity to testify.

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March 22, 2026

SB 2568, SD1: RELATING TO OFFENSES AGAINST PUBLIC SERVANTS

Chair Sayama, Vice-Chair Lee, and Members of the Committee on Labor:

The Office of the Public Defender (OPD) respectfully **submits the following comments** on SB 2568 SD1, 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.

<u>Existing Statutes Already Address Serious Conduct</u>

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.

JOSH GREEN, M.D.
GOVERNOR

KEITH T. HAYASHI
SUPERINTENDENT

STATE OF HAWAI`I
DEPARTMENT OF EDUCATION
KA ‘OIHANA HO‘ONA‘AUAO
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Date: 03/24/2026
Time: 09:30 AM
Location: 309 VIA VIDEOCONFERENCE
Committee: LAB

Department: Education

Person Testifying: Keith T. Hayashi, Superintendent of Education

Title of Bill: SB2568, SD1, 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 3/22/2075. (SD1)

Department's Position:

The Hawaii State Department of Education (Department) supports SB 2568 SD 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 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 helps safeguard the effective functioning of 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.

Chair
JENNIFER STOTTER

Commissioners
EDIE IGNACIO NEUMILLER | STACEY MONIZ
ROSE MEDINA KEMNA | MELISSA SOTELO

Executive Director
LLASMIN CHAINE

HAWAII STATE COMMISSION
ON THE STATUS OF WOMEN

March 23, 2026

Position: **SUPPORT** of **SB2568 SD1**, Relating to Offenses Against Public Servants

To: Representative Jackson D. Sayama, Chair
Representative Mike Lee, Vice Chair
Members of the House Committee on Labor

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

Re: Testimony in SUPPORT of SB2568 SD1, Relating to Offenses Against Public Servants

Hearing: Tuesday, March 24, 2026, 9:30 a.m.
Conference Room 309, State Capitol

The Hawaii State Commission on the Status of Women **supports SB2568 SD1**, 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**.

Thank you for this opportunity to submit testimony.

The House Committee on Labor
March 24, 2026
Room 309
9:30 AM

RE: SB 2568 SD1, Offenses Against Public Servants

Attention: Chair Jackson D. Sayama, Vice Chair Mike Lee, Members of the Committee

The University of Hawaii Professional Assembly (UHPA), the exclusive bargaining representative for all University of Hawaiʻi faculty members across Hawaiʻi's statewide 10-campus system, **supports SB 2568 SD1**.

UHPA supports the intent of this measure to establish stronger statutory protections for frontline public workers. Faculty members are increasingly subjected to harassment, threats, and inappropriate communications simply for fulfilling their professional responsibilities to their students and the community. Elevating the offense of harassment to a misdemeanor when committed against a public servant is a vital public safety measure that will protect both our faculty and the communities they serve.

Appreciation for the Expanded Scope of "Public Servant." We extend our appreciation to the prior committee for amending the SD1 draft to broaden the scope of these protections. While the original bill only elevated penalties for harassment committed against a narrow list of "certain" public servants, the SD1 draft rightfully expands this protection to apply to any public servant harassed because of or during the performance of their official duties.

This inclusive language ensures that our dedicated University of Hawaiʻi faculty members are properly covered. By expressly applying these protections to all public servants, the Legislature ensures the University has the legal tools necessary to maintain a safe and secure learning environment.

UHPA supports the passage of SB 2568 SD1.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

University of Hawaii
Professional Assembly

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Hawai‘i State Trial Judges Association

Testimony to the House Committee on Labor
Regarding SB2568 SD1
Representative Jackson D. Sayama Chair
Representative Mike Lee, Vice Chair
Hearing on Tuesday, March 24, 2026 at 9:30 AM
State Capitol, Conference Room 309 & Videoconference

WRITTEN TESTIMONY ONLY

by

Board Members on behalf of the Hawai‘i State Trial Judges Association
Hon. Andrew T. Park, President
Hon. Jeffrey W. Ng, Vice President
Hon. Sonya H. Toma, Secretary
Hon. Timothy E. Ho, Treasurer

Bill No. and Title: Senate Bill 2568 SD1, 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.

Hawai‘i State Trial Judges Association’s Position:

The Hawai‘i State Trial Judges Association (“HSTJA”), by and through its board members, offers our **strong support** for SB2568 SD1. Our member judges, just like all the other public servants who would be covered by this bill, perform a vital role in delivering essential services to the people of Hawai‘i. Judges often make decisions that have profound impacts on individuals and communities. While these decisions are guided by the law and principles of fairness, they can sometimes cause anger or resentment.

As noted in this bill’s preamble, there has unfortunately been significant escalation of threats and other harassment to public servants in recent years. The HSTJA’s member judges have been on the receiving end of verbal harassment, threats, and have even had disgruntled case parties go to their residence. This behavior not only threatens the safety of judges and public servants but can also erode public confidence in government. Further, when public servants are targeted in this manner, qualified individuals are deterred from entering public service.

SB2568 SD1 is a critical measure to safeguard public servants and uphold the integrity of government operations. The member judges of the HSTJA urge this committee to pass this bill. Thank you for the opportunity to testify.

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 Labor

Testimony by
Hawaii Government Employees Association

March 24, 2026

S.B. 2568, S.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, which elevates the offense of harassment to a misdemeanor when committed against public servants in connection with their performance of a governmental function.

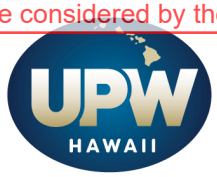
Throughout the year, we receive numerous reports from our members who have experienced incidents of harassment during the course of their employment with the State or the counties. Most of our members work on the front lines – handling walk-ins, answering calls, providing security, meeting with clients, and processing paperwork, so they are often the first to encounter threats, harassment, or violence directed toward public servants while performing their official duties.

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

Respectfully submitted,

Randy Perreira
Executive Director

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

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

COMMITTEE ON LABOR
Rep. Jackson D. Sayama, Chair
Rep. Mike Lee, Vice Chair

Tuesday, March 24, 2026, 9:30 AM
Conference Room 309 & Videoconference

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

Chair Sayama, Vice Chair Lee, 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, 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.

The Senate Judiciary amended the bill to expand the definition of "public servant" to include all public employees. We humbly request that this definition 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.

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