

ACT 46

H.B. NO. 1539

A Bill for an Act Relating to the Safety of Judiciary Personnel.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that threats and inappropriate communications to judges and court personnel have escalated in recent years. A June 2021 National Institute of Justice audit of the United States Marshals Service's (USMS) judicial security activities noted that the USMS responded to more than four thousand two hundred threats or inappropriate communications against federal judges and other protected persons in fiscal year (FY) 2020, an increase of eighty-one per cent from the number of threats in FY 2016, and a two-hundred thirty-three per cent increase in threats since FY 2008. At the state level, the number of threats and other inappropriate communications against Hawaii judges have increased tenfold in less than ten years, from two in 2012 to approximately twenty in 2021.

Other judiciary staff whose duties put them at risk of threats or violence are court social workers who monitor offenders placed on probation. Staff routinely supervise probationers convicted of violent crimes, and the Occupational Safety and Health Administration categorizes probation officers as a high risk occupation for workplace violence. Incidents of threats and inappropriate communications against judiciary social workers providing probation oversight have increased sevenfold in the last nine years. Social workers with the judiciary's office of the public guardian have also been threatened with violence in the course of carrying out their duties as court-appointed guardians of incapacitated persons.

The USMS audit also noted that, historically, the safety of federal judges is at greater risk when they are away from the courthouse. This statement is borne out by incidents involving attacks against federal judges at their residences, which have resulted in the deaths of or serious injuries to judges and their family members. In at least one of these cases, the attacker used the Internet to access the judge's personal information.

The legislature further recognizes that, given the availability of personal information of judges and judiciary staff on the Internet, additional measures are needed to ensure the safety of judges and judiciary personnel. The identification of these methods will require collaboration and cooperation among various governmental and nongovernmental entities.

The purpose of this Act is to create a task force to identify appropriate measures to enhance the security of judges and judiciary personnel while not diminishing civil liberties or unduly hindering governmental operations.

SECTION 2. (a) A judicial security task force shall be convened and placed within the judiciary for administrative purposes. The task force shall examine, evaluate, and determine optimal methods for securing online personal information of federal and state judges and appropriate judiciary personnel, which may include requirements for nondisclosure or redaction of personal information on the Internet. The task force shall have the following objectives:

- (1) Identify, consult, and collaborate with public and private stakeholders to secure online personal information of federal and state judges and specified judiciary personnel;
 - (2) Consider how other states, including New Jersey, California, Washington, and Illinois, as well as Congress are addressing the issue of judicial security with regard to prohibiting or limiting the online publication or posting of certain personal information for specified persons;
 - (3) Determine the most effective practices or restrictions, including those that limit persons, businesses, and associations from publicly posting, publishing, or displaying personal information concerning federal and state judges and certain judiciary personnel;
 - (4) Determine appropriate exceptions to these practices or restrictions, if any, for any suggested redaction or nondisclosure requirements, including matters affecting the title to real property;
 - (5) Make recommendations regarding measures that would enhance judicial security without unduly hindering government operations and without diminishing civil liberties and first amendment rights; and
 - (6) Make recommendations as to penalties, fines, or other sanctions to be imposed for unlawful publication of personal information about federal and state judges or specified judiciary personnel.
- (b) The task force shall consist of the following members:
- (1) The administrative director of the courts or the administrative director's designee, who shall serve as a co-chair of the task force;
 - (2) The director of public safety or the director's designee, who shall serve as a co-chair of the task force;
 - (3) The special assistant to the administrative director of the courts for judiciary security;
 - (4) A sitting full-time judge of the Hawaii state district court, circuit court, or intermediate court of appeals;
 - (5) A member representing the federal judiciary, who shall be invited by the co-chairs;
 - (6) A member appointed by the governor;
 - (7) The attorney general or the attorney general's designee;
 - (8) The comptroller or the comptroller's designee representing the office of enterprise technology services;
 - (9) The director of commerce and consumer affairs or the director's designee;
 - (10) A member representing the city and county of Honolulu, real property assessment division;
 - (11) A member representing the law enforcement community, who shall be invited by the co-chairs; and

- (12) A member of the nonprofit sector, who shall be invited by the co-chairs.

Task force members may recommend for membership on the task force additional stakeholders with appropriate expertise, subject to approval by the co-chairs. For purposes of this subsection, “stakeholder” means a representative of a regional, state, or local government agency; a representative of a nongovernmental organization in areas that may include data collection and dissemination, civil liberties, and law enforcement; or advocates having experience in data collection and dissemination on the Internet, civil liberties, or law enforcement.

(c) The initial meeting of the task force shall occur no later than sixty days after the effective date of this Act, during which the members shall elect a vice chair and any other necessary officers from among the appointed members.

(d) The task force shall meet no less than quarterly and may hold additional public meetings as deemed necessary. Meetings may be held virtually.

(e) Members of the task force shall receive no compensation for their duties and shall not be subject to section 84-17, Hawaii Revised Statutes, solely based on their participation on the task force. The task force shall be exempt from chapter 92, Hawaii Revised Statutes.

(f) The task force shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than forty days prior to the convening of the regular session of 2023.

(g) The task force shall cease to exist on July 1, 2023.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 17, 2022.)