

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 2456

S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2456, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HARASSMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Amend the offense of harassment by prescribing repeated communications by means of "other computer communication";
- (2) Add computer communication as a form of nonconsensual contact in the offense of harassment by stalking; and
- (3) Change the classification of the foregoing offenses to a class C felony.

Testimony in support of this measure was received from the Hawaii State Coalition Against Domestic Violence and the Law Offices of Marvin S.C. Dang, LLC. Testimony in opposition was submitted by the Office of Public Defender.

Your Committee finds that a number of Hawaii attorneys have received thousands of e-mails from an anonymous sender. The e-mails contain false, derogatory, and defamatory messages about specific attorneys and law offices, as well as politicians, and others. These e-mails were also being sent to people outside the



legal community and falsely identified as coming from a specific attorney.

Your Committee finds that this measure will help to deter the use of e-mails to defame, harass, and intimidate people. Your Committee further finds that the classification of this offense as a class C felony is appropriate since the actions of the perpetrator are so disruptive.

Your Committee has amended this measure by amending the effective date to July 1, 2050, for the purpose of facilitating further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2456, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2456, S.D. 2.

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


BRIAN T. TANIGUCHI, Chair



