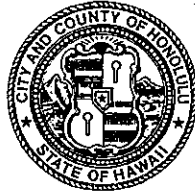


POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE

RR-NTK

February 12, 2008

The Honorable Brian T. Taniguchi, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 2436, Relating to Crime

I am Richard C. Robinson, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

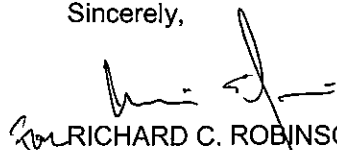
The Honolulu Police Department supports Senate Bill No. 2436, Relating to Crime.

Cyberbullying is a problem that is on the rise across the country and in Hawaii. Because the Internet provides a sense of anonymity, many people are emboldened and act in ways that they would not in person. Passage of this bill will provide the victim of cyberattacks some level of protection and legal recourse.

The Honolulu Police Department urges you to support Senate Bill No. 2436, Relating to Crime.

Thank you for the opportunity to testify.

Sincerely,

  
RICHARD C. ROBINSON, Captain  
Criminal Investigation Division

APPROVED:

  
BOISSE P. CORREA  
Chief of Police



Hearing date and time: February 7, 2008 at 1:15p.m.

RE: Senate Bill 2436

TO: COMMITTEE ON JUDICIARY AND LABOR

Senator Brian Taniguchi, Chair

Senator Clayton Hee, Vice Chair

FROM: Ana Maring, Hawaii State Coalition Against Domestic Violence

Aloha, my name is Ana Maring and I represent the Hawaii State Coalition Against Domestic Violence (HSCADV). HSCADV is a private non-profit agency which serves as a touchstone agency for the majority of domestic violence programs throughout the state. For many years HSCADV has worked with the Hawaii Legislature by serving as an educational resource and representing the many voices of domestic violence programs and survivors of domestic violence.

HSCADV supports Senate Bill 2436

The Internet has opened in worlds of information and communication to our communities. It has helped victims reach out to shelters and hotlines to get information about intimate partner abuse and the safety tools available to them. Unfortunately when placed in the hands of a batterer this same technology can become dangerous and potentially lethal.

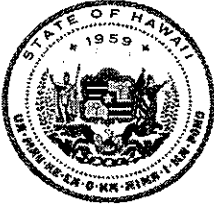
Our laws must reflect the growing technology that impacts the safety of victims.

For further information please access the following links:

<http://www.endabuse.org/health/ejournal/archive/1-3/Tucker.pdf>

[http://www.nnedv.org/docs/SafetyNet/NNEDV\\_SpywareAndSafety.pdf](http://www.nnedv.org/docs/SafetyNet/NNEDV_SpywareAndSafety.pdf)

Thank you for the opportunity to testify.



**Office of the Public Defender  
State of Hawaii**

**Timothy Ho, Chief Deputy Public Defender**

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on Judiciary and Labor**



**LATE**

February 12, 2008, 9:00 a.m.

RE: S.B. 2436: Relating To Crime

Chair Taniguchi and Members of the Committee:

This measure would make the use of e-mails as a form of harassment a misdemeanor offense.

The Office of the Public Defender opposes S.B. 2436.

The type of behavior sought to be proscribed by this measure could be enforced by our current harassment law. Section 711-1106 of the Hawaii Revised Statutes currently prohibits the use of repeated e-mails if it is sent with the intent to harass, annoy or alarm another person.

We need to be careful about trying to craft legislation to fit every conceivable crime, especially when there are current laws on the books which could be used to prosecute these crimes.

This measure also changes the focus on the objective act of the defendant to the subjective feelings of the victim. The message in a mass e-mail directed at a group of people, or a blog, could cause one person to suffer from mental, emotional or physical distress, while the same e-mail may have no effect whatsoever on the rest of its recipients. Should the e-mail's author be prosecuted for causing emotional harm? Would bosses have to be careful that their office-wide e-mail could cause their employees to suffer from mental, emotional or physical distress? The police department and prosecutor's office would be inundated with e-mails to be used as "evidence" of harassment by disruptive threats and remote harassment if this bill becomes law.

Harassing e-mails are unlike face-to-face harassment. With face-to-face verbal or physical harassment, there is either physical contact or the threat of physical contact which cannot be terminated with one press of the "delete" button.

Thank you for the opportunity to comment on this bill.