

STAND. COM. REP. NO.

1242

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 615
H.D. 1
S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 615, H.D. 1, 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 to include the repeated making of any form of electronic communication as defined by existing law; and
- (2) Clarify the definition of "nonconsensual contact" under the offense of harassment by stalking to include contact by means of any form of electronic communication as defined by existing law.

The intent of your Committee is to prevent individuals from being harassed by those using innovative forms of technology by extending the chapter 711, Hawaii Revised Statutes, harassment offenses to include any form of digital communication, including the ability to make a nonconsensual contact through any form of electronic communication in the offense of harassment by stalking.

Your Committee finds that harassing or insulting electronic communications are a form of harassment that can be just as severe or punishing as other verbal communications or offensive contacts. Your Committee also finds that including contact by electronic

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communication in the criminal offense of harassment by stalking will provide a means for those victims that are targeted to seek justice.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to continue the discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 615, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 615, H.D. 1, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,




BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 615, HD1, SD1	EDT, JGO	4/2/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes