

Honolulu, Hawaii

FEB 15 2011

RE: S.B. No. 237
S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sir:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 237 entitled:

"A BILL FOR AN ACT RELATING TO CYBERBULLYING,"

begs leave to report as follows:

The purpose and intent of this measure is to provide greater protection for victims of cyberbullying by establishing an offense of harassment by cyberbullying, with the first or second offense as a misdemeanor, and a third or any subsequent offense as a class C felony.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

The Department of the Prosecuting Attorney has testified that establishing an offense of harassment by cyberbullying is unnecessary, as current harassment laws would be more than sufficient, and recommended additions to the definition of "electronic communication" to encompass language in this measure.

Your Committee has amended this measure accordingly, by:

- (1) Deleting the proposed offense of harassment by cyberbullying; and



- (2) Expanding the types of electronic communication applicable to the current law relating to various offenses of harassment to include the Internet, cell phone, personal digital assistance device, or any wireless hand-held device.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 237, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 237, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,


CAROL FUKUNAGA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:* SB 237	Committee Referral: EDT, JDL	Date: 2/11/11		
<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
FUKUNAGA, Carol (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes