

Honolulu, Hawaii

March 1, 2012

RE: H.B. No. 2295
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2295 entitled:

"A BILL FOR AN ACT RELATING TO CYBERBULLYING,"

begs leave to report as follows:

The purpose of this measure is to create the offense of harassment by cyberbullying.

Several concerned citizens supported this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu and Hawaii Youth Services Network supported the intent of this measure. The Office of the Public Defender and Citizens Against Crooked Politicians opposed this measure. The Department of the Attorney General provided comments on this measure.

Your Committee has amended this measure by adopting a proposed House Draft 1 that:

- (1) Removes vague language pertaining to use of electronic communication "to embarrass, humiliate, impersonate, or discredit the other person";
- (2) Adds the definition of "digital nuisance" into the offense of harassment by cyberbullying and Chapter 708, Hawaii Revised Statutes, regarding offenses against property rights and the use of a computer in the commission of a separate crime;



- (3) Clarifies that the terms "electronic communication" and "nonconsensual contact" have the same meaning in the context of harassment by cyberbullying as elsewhere in related sections of the Hawaii Penal Code; and
- (4) Reduces the severity of the offense of harassment by cyberbullying to a petty misdemeanor.

Your Committee has also amended this measure by:

- (1) Changing the effective date to January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2295, H.D. 1, and be placed on the calendar for Third Reading.

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

Karl Kloud for

GILBERT KEITH-AGARAN, Chair



