

STAND. COM. REP. NO. **635**

Honolulu, Hawaii

**March 3**, 2011

RE: H.B. No. 618  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 618 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER,"

begs leave to report as follows:

The purpose of this bill is to better protect Hawaii's citizens from new threats arising from the advance of modern technology and the Internet by:

- (1) Creating the offense of aggravated online harassment and online harassment;
- (2) Expanding the unauthorized transfer of personal information prohibited by harassment by impersonation to include domain addresses; and
- (3) Increasing harassment by impersonation to a class C felony if done with the intent to solicit a response by emergency personnel.

The Family Court Interventions Task Force and several individuals testified in support of this measure. The Office of the Public Defender opposed this measure.

HB618 HD1 HSCR JUD HMS 2011-2711



Your Committee has amended this measure by:

- (1) Renaming the two offenses of online harassment as aggravated harassment by online impersonation and harassment by online impersonation;
- (2) Clarifying that the harm addressed by harassment by online impersonation means a loss, disadvantage, or injury, or anything so regarded by the person affected, including a loss, disadvantage, or injury to any other person or entity in whose welfare the person affected is interested;
- (3) Changing the effective date to January 7, 2059, to promote further discussion; and
- (4) 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. 618, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 618, H.D. 1, and be placed on the calendar for Third Reading.

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

  
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GILBERT KEITH-AGARAN, Chair



