

STAND. COM. REP. NO.

2367

Honolulu, Hawaii

FEB 17 2012

RE: S.B. No. 2539

S.D. 1

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 2539 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 comments on this measure from the Department of the Attorney General; Department of the Prosecuting Attorney, City and County of Honolulu; Hawaii Youth Services Network; and one individual.

Your Committee finds that at the 2011 Children and Youth Summit, bullying was the top priority for legislative action identified by the 125 participating youth and youth advocates, and cyberbullying was identified as one of several forms of bullying that need to be addressed.

Your Committee, however, has heard a number of concerns regarding the approach in this measure and has amended this measure to incorporate the recommendations of the Department of the Attorney General.



Your Committee has amended this measure accordingly, by:

- (1) Clarifying what constitutes the offense of harassment by cyberbullying;
- (2) Deleting the provision stating that a person convicted of harassment by cyberbullying may be required to undergo a counseling program as ordered by the court;
- (3) Deleting the definitions of "cyberbullying" and "nonconsensual contact";
- (4) Adding definitions of "electronic communication" and "public media forum";
- (5) Replacing the penalties for first, second, and third or subsequent offenses with one class C felony offense; and
- (6) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2539, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2539, 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



