

SB 2539

EDT

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE CAROL FUKUNAGA, CHAIR
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai`i

February 13, 2012

RE: S.B. 2539; RELATING TO CYBERBULLYING.

Chair Fukugana, Vice Chair Wakai and members of the Senate Committee on Economic Development and Technology, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony expressing concerns about Senate Bill 2539.

Although the Department recognizes and appreciates that cyberbullying is an ongoing concern in Hawaii, S.B. 2539 appears to duplicate the existing offense of Harassment by Stalking (H.R.S. §711-1106.5), which states:

§711-1106.5 Harassment by stalking. (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

For purposes of this offense, the term "non-consensual contact" already includes electronic communications, and in fact, it is identical to the definition of "non-consensual contact" contained in the proposed offense of Harassment by Cyberbullying. In the alternative, the Department has no objections--and certainly it is within the discretion of the Committee--if the Committee wishes to add enhanced penalties to the offense of Harassment by Stalking, for a second or third offense occurring within one or two years of a prior conviction.

For the reasons noted above, the Department of the Prosecuting Attorney of the City and County of Honolulu has serious concerns about S.B. 2539 in its current form. Thank for you the opportunity to testify on this matter.